

**COVER NOTE**

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from : Secretariat

to : Convention

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Subject : **Reactions to the draft Articles of the revised text of Part One (Volume I)**  
**– Analysis**

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Convention members will find attached summary sheets of proposed amendments to the Articles of Volume I (CONV 724/1/03 REV 1).

**SUMMARY SHEET OF PROPOSED AMENDMENTS****Preamble**

*(Only suggestions which appear in more than one amendment have been included)*

Some members propose correcting ("majority" instead of "whole people", am. 6 Dini) or supplementing (am. 3 Cisneros) the translation of the Thucydides quotation. Others request its deletion (am. 7 Duhamel + 2).

Some would like to add human dignity at the end of the first paragraph (am. 7 Duhamel + 2, am. 3 Cisneros, am. 4 Fini).

Several amendments suggest making an explicit reference to the Christian or Judaeo-Christian spiritual heritage or even a reference to God in the second paragraph of the Preamble (am. 1 Muscardini, am. 3 Cisneros, am. 4 Fini, am. 8 Wuermeling + 2, am. 9 Giannakou, am. 10 Brok on behalf of the PPE Group, am. 12 Teufel); some at the same time propose adding the Renaissance. Others, on the other hand, propose shorter versions for this paragraph, referring for example to Europe's cultural heritage from Antiquity to the Enlightenment (am. 5 Demiralp) or simply to cultural and spiritual heritages (am. 7 Duhamel + 2). Amendment 11 Duff would keep the reference to the cultural, religious and humanist inheritance, but would delete the parts of the sentence from "nourished first ..." to "... Enlightenment".

## **TITLE I: DEFINITION AND OBJECTIVES OF THE UNION**

### **Article I-1: Establishment of the Union**

With regard to paragraph 1, some amendments call for the term "citizens" to be replaced by "peoples" (am. 2 Lopes), or for the latter term to be added (am. 1 Balázs). There is also a suggestion to begin the second sentence with "in accordance with this Constitution" (am. 2 Hain), and to delete the reference to the Union's coordinating role (am. 4 Wuermeling) or state that certain policies of the Member States are coordinated, without mentioning the Union as the subject (am. 9 Teufel). Some would like the sentence to be reformulated avoiding the expression "Community way" (am. 5 Kohout) or wish to return to the expression "federal basis" (am. 8 Duff + 3).

As for paragraph 2, am. 1 Balázs wishes to return to the previous Praesidium version (requiring that values also be shared by peoples). Am. 6 Kaufmann proposes deleting the paragraph, on the grounds that Article I-57(1) is sufficient.

Furthermore, the insertion of a new paragraph referring to the "Community acquis" as a foundation of the Union is requested by am. 3 Lopes. Am. 7 by Hjelm-Wallén + 5 seeks another paragraph providing for decisions to be taken as openly and as close to citizens as possible.

### **Articles I-2: The Union's values**

A number of amendments request the addition of equality to the list in the first sentence (am. 1 Dybkjaer, am. 4 Kaufmann, am. 8 Hjelm-Wallén + 3, am. 10 Duff + 4, am. 11 Michel + 4, am. Fischer 9: equality, including between women and men). Others propose a reference to respect for minority rights in this sentence (am. 3 Balázs + 10, am. 7 Bonde). One amendment proposes saying "fundamental rights" instead of "human rights" (am. 6 Berès + Duhamel).

### **Article I-3: The Union's objectives**

With regard to paragraph 1, its deletion is requested by am. 5 Hain. Am. 16 Kohout suggests replacing "peoples" with "citizens", as in Article 1.

As for paragraphs 2 and 3, *only suggestions appearing in more than one amendment are included below.*

Thus, a number of Convention members request that the reference to the environment be moved to the first sentence of paragraph 3 in order to bring it closer to the notion of sustainable development (am. 4 de Vries, am. 6 Farnleitner, am. 8 Hain, am. 12 Palacio, am. 19 Barnier + Vitorino, am. 20 Hjelm-Wallén + 2, am. 21 Fischer). Several call for the re-insertion of the concept of a high level of competitiveness (am. 1 Cushnahan + 9, am. 1 de Vries, am. 12 de Palacio, am. 17 Hololei, am. 18 Brok + 21, am. 23 Michel + 5, am. 24 Teufel, am. 27 de Villepin), and/or that of economic and monetary union (am. 6 Farnleitner, am. 18 Brok + 21, am. 24 Teufel). Some amendments insist on a reference to services of general interest (am. 2 Cravinho, am. 7 Gabaglio, am. 19 Barnier + Vitorino, am. 23 Michel + 5, am. 27 de Villepin) or to consumer protection (am. 6 Farnleitner, am. 9 Kaufmann). Some call for a reference to health protection (am. 4 de Vries, am. 9 Kaufmann) or to combating poverty within the Union (am. 3 De Rossa, am. 23 Michel + 5, am. 27 de Villepin).

Some object to the insertion of the concept of *territorial* cohesion (am. 8 Hain, am. 13 Wuermeling, am. 21 Fischer); others also wish to add cross-border cooperation (am. 14 Chabert and others, am. 24 Teufel). Lastly, some wish to specify all those cases of discrimination referred to in Article III-5 (ex Article 13 TEC) (am. 5 Dybkjaer, am. 9 Kaufmann, am. 22 Rupel + Lenarčič).

Regarding paragraph 4, some propose inserting a reference to preserving the independence and security of the Union (am. 27 de Villepin).

#### **Article I-4: Fundamental freedoms and non-discrimination**

Am. 1 Hain requests that the second paragraph be confined solely to discrimination between citizens of the Union. The deletion of this second paragraph (on the grounds that it duplicates the Charter) is requested by am. 3 Kohout. Others, on the other hand, request addition of the ban on the forms of discrimination mentioned in Article III-5 (ex Article 13 TEC) (am. 4 Borrell + 2).

#### **Article I-5: Relations between the Union and the Member States**

In the first paragraph, am. 1 Hain proposes "national security" instead of "internal security".

Mr Lopes (am. 2) proposes inserting a new paragraph stating that the Union is founded on equality between its Member States.

Mr Kohout (am. 3) proposes enshrining the principle of primacy of Union law in this Article, and not in Article 10.

A **new Article 6a**, on the Union's flag, currency, anthem and public holiday, is proposed by Mr Brok + 22.

## **TITLE II: FUNDAMENTAL RIGHTS AND CITIZENSHIP OF THE UNION**

### **Article I-7: Fundamental rights**

On paragraph 1, some are asking for the Charter to be incorporated as a protocol, rather than as Part Two of the Constitution (am. 2 de Vries, am. 3 Hain, am. 6 Kalniete, am. 7 Hjelm-Wallén + 2). One Convention member thought it should be specified that the provisions of the Charter as Part Two would constitute directly applicable law (am. 5 Kaufmann). One amendment suggests that the institutions, bodies and agencies should respect Charter rights on the basis of Articles 51 et seq. of the Charter, "in the spirit" of the comments on it (am. 4 Fini).

On paragraph 2, while some would prefer to weaken the wording concerning the ECHR, proposing "may seek accession ..." (am. 3 Hain), or "may accede" (am. 9 de Villepin), others on the contrary would like it to be strengthened (am. 1 Demiralp). Other amendments would like explicitly to mention the possibility for the Union to accede to other human rights conventions (am. 5 Kaufmann, am. 8 Duff + 5). Some propose adding "to this end, a declaration laying down the conditions of such accession is annexed to the Final Act" (am. 9 de Villepin).

### **Article I-8: Citizenship of the Union**

- Deletion of the list in paragraph 2 is requested by am. 2 Kohout and am. 3 Kaufmann.
- Am. 1 Borrell + 2 and am. 3 Kaufmann propose granting entitlement to European citizenship to third-country nationals residing in the Union on a long-term basis.

## **TITLE III: UNION COMPETENCES**

### **Article I-9: Fundamental principles**

#### *Paragraph 2*

- Paragraph 2: delete the reference to the fact that competences are conferred by the Member States: am. 3 Brok + 20 others, am. 5 Duff + 4 others

#### *Paragraph 3*

- In paragraph 3 on the principle of subsidiarity, delete the reference to regional and local level: am. 1 Lopes and Lobo Antunes
- Paragraph 3, second sentence of the second subparagraph: add a reference to the Committee of the Regions in monitoring compliance with the principle of subsidiarity. Add a paragraph relating to respect by the European Union of the internal allocation of competences within the Member States: am. 4 Chabert + 5 others.

#### *Paragraph 4*

- In paragraph 4, establish that in a series of areas (environment, consumer protection, etc.), Union standards are always to be minimal and that Member States may adopt provisions in these areas for sustained development. Add a limitation to the application of clauses on non-discrimination and equality: am. 2 Bonde

### **Article I-10: Union law**

#### *Paragraph 1*

- Rewording of the principle of primacy: am. 1 Hain
- Paragraph 1: Add a reference to the allocation of competences by the Member States: am. 2 Hjelm-Wallén + 2

- Replace paragraph 1 with "Union law shall have primacy over the law of the Member States": am. 3 O'Sullivan and Ponzano

#### Paragraph 2

- Delete paragraph 2 (duplication of Article I-5(2)): am. 1 Hain
- **Article I-11: Categories of competence**

#### Paragraph 1

- Place paragraph 1 after paragraph 2: am. 4 Duff + 3

#### Paragraph 2

- Delete the words "or has decided to cease exercising": am. 2 Lopes and Lobo Antunes
- Add a reference to the power of the regions to legislate in accordance with constitutional provisions: am. 3 Chabert + 5
- Replace the last sentence with a sentence to the effect that, where the Union has exercised its competence in an area, the Member States may exercise their own competence only within the limits of the Constitution: am. 7 de Villepin

#### Paragraphs 3 and 4

- Delete paragraphs 3 and 4 (these are not competences but policies already described in Articles I-14 and I-15): am. 1 Hain
- Replace paragraph 3 with coordination of the economic policies of the Member States within the Union: am. 5 Fischer



## **Article I-12: Exclusive competence**

### **Paragraph 1**

- Delete the reference to the conservation of marine biological resources: am. 1 MacCormick
- Delete competition rules: am. 3 Kaufmann, am. 5 Fischer
- Add agricultural and fisheries policy to paragraph 1: am. 4 Azevedo + 3
- After common commercial policy add a reference to the common customs tariff:  
am. 3 Kaufmann
- Common commercial policy should not include agreements in the areas of trade in cultural and audiovisual services, education services, social and human-health services as well as in the area of investment: am. 11 de Villepin

### **Paragraph 2**

- Reword paragraph 2: add a reference to Article 32(3) in Part Three, and list in separate indents the three cases of exclusive competence listed in this paragraph: am. 2 Hain
- Reword paragraph 2: exclusive competence exists in areas which come under internal competences or when the conclusion of an agreement is provided for in a legislative act of the Union: am. 6 Lamassoure
- Reword paragraph 2: replace legislative act by compulsory legal act; replace necessary to enable the Union to exercise its competence internally by necessary to attain one of the Union's objectives (am. 7 O'Sullivan and Ponzano)
- Redraft paragraph 2 and make it more precise: am. 9 Tiilikainen + 5
- Replace "affects" by "jeopardises": am. 5 Fischer
- Provide for unanimity and shared competence for the conclusion of agreements in the areas of services, education, culture, audiovisual affairs, etc.: am. 8 Teufel

## **Article I-13: Areas of shared competence**

### **Paragraph 2**

- Add gender equality: am. 2 Dybkjaer
- Refer to public health in general: Pieters, Giannakou. Limit to threats to public health of a cross-border nature (am. 8 Brok + 18)
- Delete:
  - energy: am. 4 de Vries
  - trans-European networks: am. 5 Hain
  - area of freedom, security and justice: am. 4 de Vries and de Bruijn, am. 12 Fischer
  - economic and social cohesion: am. 12 Fischer
  - the reference to space: am. 14 Hjelm-Wallén + 2
- Delete the reference to Part Three for social policy: am. 3 Pieters, am. 5 Hain, am. 6 Kaufmann, am. 11 Duff + 4
- Add:
  - under the environment, a reference to animal protection: am. 7 Maij-Weggen
  - cross-border cooperation: am. 9 Chabert + 5
  - a reference to taxation aspects of the internal market: am. 10 Costa + 2
  - under agriculture and fisheries, a reference to animal protection: am. 1 Giannakou
  - the fight against drugs: am. 1 Giannakou
  - the prevention of and fight against fraud: am. 1 Giannakou
  - in public health, a reference to Union level: am. 15 Tiilikainen + 5
  - a reference to nuclear energy: am. 17 Teufel

### **Paragraphs 3 and 4**

- Delete the paragraph on research, technological development and space (move to Article 16): am. 15 Tiilikainen + 5
- Delete the paragraph on development cooperation and humanitarian aid (move to Article 16): am. 15 Tiilikainen + 5

## **Article I-14: The coordination of economic and employment policies**

### **Paragraph 1**

- New wording for paragraph 1 referring to the coordination of the economic policies of the Member States within the Union and its adoption of guidelines: am. 1 Hain, am. 11 Wuermeling, am. 6 Fischer, am. 9 Teufel, am. 13 de Villepin

### **Paragraph 2**

- Delete paragraph 2: am.1 Hain

### **Paragraphs 3 and 4**

- Add in paragraphs 1, 3 and 4 a reference to the coordination of economic policies by the Member States together with the Union: am. 2 de Vries, de Bruijn
- Delete the reference to employment: am. 8 Lennmarker, am.1 Hain
- Add a reference in the title of the Article to the coordination of social policies. In paragraph 4 replace "may adopt" with "shall adopt": am. 3 Farnleitner
- Delete the reference to social policies: am. 8 Lennmarker, am. 7 Hjelm-Wallén + 2
- Paragraphs 3 and 4: replace "to ensure" by "to support": am. 5 Duff + 3
- Paragraph 4: Add a reference to economic and employment policies: am. 12 Borrell + 2

### **General**

1. Delete the article: am.10 Tiilikainen + 5

## **Article I-15: The common foreign and security policy**

### **Paragraph 2:**

- Delete the reference to loyalty (the reference in Article I-5 should suffice): am. 1 Hain

## **Article I-16: Areas of supporting, coordinating or complementary action**

- Add an Article 16a on the open method of coordination: am. 1 De Rossa

### **Paragraph 2**

- Add in paragraph 2:
  - tourism: am. 2 Cisneros, am. 5 Lopes, Lobo Antunes, am. 12 Borrell + 2, Palacio, am. 6 Giannakou
  - territorial cohesion: am. 3 de Vries, de Bruijn
  - trans-European networks, except for promotion of interconnection and interoperability of national networks as well as access to such networks: am. 4 Hain
  - coordination of social economic and employment policies: am. 9 Tiilikainen + 5
  - development cooperation: am. 9 Tiilikainen + 5
  - research, technological development and space: am. 9 Tiilikainen + 5
  - social inclusion: am. 1 De Rossa
  - employment: am. 10 Teufel
- In paragraph 2, delete:
  - human health: am. 7 Michel + 4

### **Paragraph 3**

- In Part Three provide for the possibility of exemption from the general harmonisation ban:  
am. 11 de Villepin

## **Article I-17: Flexibility clause**

### **Paragraph 1**

- Delete the reference to the framework of the policies defined in Part Three: am. 1 de Vries, de Bruijn, am. 2 Farnleitner
- Add consultation of the Committee of the Regions and the Economic and Social Committee: am. 2 Farnleitner
- Replace unanimity by a qualified majority (am. 4 Lopes, Lobo Antunes) or by a majority of three quarters of the Member States representing three quarters of the population of the Union (am. 8 Michel + 4) or by an augmented qualified majority (am. 11 Azevedo + 3)
- Add a new paragraph excluding the application of Article I-17 in the CFSP area: am. 3 Hain

### **Paragraph 2**

- Add in paragraph 2 a reference to the Committee of the Regions: am. 7 Chabert + 5

### **Paragraph 3**

- Add a paragraph on acts adopted on the basis of this provision becoming obsolete after three years (am. 5 Wuermeling) or five years (am. 9 Teufel).
- Add a reference to the possibility of repealing obsolete provisions adopted on the basis of this provision.
- Delete paragraph 3: am. 10 de Villepin

## **TITLE V: EXERCISE OF UNION COMPETENCE**

### **Chapter I: Common provisions**

#### **Article I-32: The legal acts of the Union**

Some amendments propose adding other types of act to the list of acts in Article I-32. The amendments are question are: 2 Kohout and 3 Farnleitner (directive), 1 Kaufmann (organic act) and 4 Hain (CFSP Decision). One amendment (am. 5 Barnier and others) seeks to introduce the principle of interinstitutional planning. Another would like to abolish the restriction on adopting non-standard acts (am. 6 Lopes and Lobo Antunes).

#### **Article I-33: Legislative acts**

The **legislative acts** referred to in Article I-33 are the subject of amendments aimed at removing the special features of the ordinary legislative procedure as applied to the area of freedom, security and justice (am. 7 Michel and others), introducing special procedures for the CFSP (am. 8 Hain), establishing an obligation for the Commission to provide information on its initiatives (am. 9 Kaufmann) and removing the exceptions to the ordinary legislative procedures (am. 10 Borrell and others).

#### **Article I-34: Non-legislative acts**

#### **Article I-35: Delegated regulations**

Two amendments to Articles I-34 and I-35 (am. 11 and am. 17 Duff and others) call for **delegated acts** to have legislative status. The amendments relating to the definition of these acts are contradictory: some call for delegated acts simply to supplement legislative acts (am. 12 Wuermeling, 13 Teufel and 14 Hjelm-Wallén and Petersson), while others would like them only to be able to amend legislative acts (am. 15 Lopes and Lobo Antunes and am. 31 de Villepin). Amendment 31 de Villepin removes the reservation in law as regards the essential aspects of an area.

One amendment (am. 18 de Vries and de Bruijn) proposes the setting up of a national consultation and control mechanism. Amendment 20 (Hain) has a similar aim. Control mechanisms are the subject of amendments 13 Teufel, which proposes adding a "sunset clause", 16 Fischer, which proposes that a law be able to establish other special procedures in advance, 21 Kaufmann, which specifies the scope of the revocation clause (and establishes an obligation on the part of the Commission to provide information), 31 de Villepin, which proposes the application of the ordinary legislative procedure to activate the revocation clause, 19 Tiilikainen and others and 31 de Villepin, which require the agreement of the Parliament and the Council to activate the revocation clause and 20 Hain, which requires the agreement of the Parliament and the Council to express an objection preventing an act from entering into force.

### **Article I-36: Implementing acts**

The **implementing acts** referred to in Article I-36 are the subject of amendments specifying the cases in which they may be adopted by the Council (am. 24 Barnier and others and am. 25 Fischer) or excluding that possibility (am. 22 Kaufmann). Amendment 26 Hain calls for a legal basis covering the control mechanisms in Part Three of the Constitution, while special procedures should be introduced for the CFSP and ex-third pillar. Amendment 27 Duff and others takes the view that it is not the Member States which control implementing acts. One amendment proposes to change the procedure for adopting the law which establishes the control mechanisms: unanimity in the Council and consultation of the Parliament (am. 28 Hjelm-Wallén and Petersson).

### **Article I-37: Principles common to the Union's legal acts**

Amendment 29 (am. Duff and others) introduces into Article I-37 an obligation for States to stipulate how they intend to transpose Community legislation and amendment 30 Hjelm-Wallén and Petersson proposes adding to the same Article the principle that Union acts should be clearly drafted.

## **Chapter II: Specific provisions**

### **Article I-39: Specific provisions for implementing the common foreign and security policy**

#### *Decision-making procedure*

- The general rule should be qualified majority voting, with unanimity being reserved for specific cases (for example, for decisions having military or defence implications or when the Council acts on a proposal from a Member State, or when the vital interests of a Member State are at stake (am. 4 Farnleitner, am. 5 Lennmarker, am. 2 Kaufmann, am. 8 Dini, am. 10 Tiilikainen +5) (paragraph 8 would be deleted accordingly).
- Stipulate in Part Three (Article III-196) that qualified majority voting also applies to joint proposals by the Minister for Foreign Affairs and the Commission (as defined in Article III-189) and to proposals by the Minister alone (am. 6 Fischer).

#### *Right of initiative*

- The CFSP right of initiative should also be assigned to the Commission, acting alone or jointly with the Minister for Foreign Affairs (am. 4 Farnleitner).
- Delete "*or from the Minister with the Commission's support*" (the Minister being a member of the Commission) (am. 11 de Villepin)

#### *Instruments*

- Delete the sentence "*Laws and framework laws are excluded*" (para. 7), since the definition of the instruments is already covered by the provisions of Article III-190 on the instruments (am. 3 Lopes + 1), or to allow for the possibility of adoption of laws and framework laws in the CFSP area (am. 4 Farnleitner).
- Proposal to add "CFSP" before "decisions" to distinguish the legal act from the more generic term (am. 1 Hain).
- The European Council should not adopt European Decisions on CFSP matters since it is not a legislative institution (am. 4 Farnleitner).



### Consultation between Member States

- Request to delete the sentence (para. 5) "*Before undertaking any action on the international scene or any commitment which could affect the Union's interests, each Member State shall consult the others within the Council or the European Council*" (am. 1/Hain).

### Role of the European Parliament/National Parliaments

- Definition of the "fundamental choices of the CFSP", with EP consent (am. 2/Kaufmann)
- Include a reference to national Parliaments in para. 6 (am. 9/Azevedo + 3)

### Union diplomatic service

- Include in Part Three (Article III-192) provisions to the effect that a Union diplomatic service, made up of officials of the institutions and officials seconded from the Member States, will assist the Union Minister for Foreign Affairs (am. 6/Fischer).

### Other topics

- Add a provision stipulating that implementation of the CFSP does not affect the Union's competence in other areas (am. 4/Farnleitner).
- Include in para. 4 a reference to the "principles and objectives of the Union's external actions as set out in the Constitution" to make clear that the CFSP is to be implemented with due regard for these principles and objectives (am. 1/Hain)
- Drafting amendments (am. 6/Fischer, am. 7/Duff + 3)

## **Article I-40: Specific provisions for implementing the common security and defence policy**

### In general:

- Add a new paragraph providing for mutual defence by Member States and the establishment of Union armed forces to implement it (am. 6 Muscardini).

### Paragraph 1

- Delete the last sentence: "The performance of these tasks shall be undertaken using capabilities provided by the Member States." (am. 5 Lopes + 1)
- Delete the concept of strengthening international security and replace it by observance of international law and in particular protection of the principles of the United Nations Charter (am. 4 Kaufmann).
- Delete "outside the Union" (am. 15 de Villepin)

### Paragraph 2

- Call for a return to the language of Article 17(1) TEU, namely: replace "will lead" by "might lead" (am. 9 Kohout, am. 11 Hjelm-Wallén and others) and "when the European Council, acting unanimously, so decides" by "should the European Council, acting unanimously, so decide" (am. 11 Hjelm-Wallén and others).
- Replace "certain Member States" in the second subparagraph by "those Member States" (am. 9/Kohout).

### Paragraph 3

- Add a reference to the possibility of recourse to NATO assets and capabilities (Berlin +) (am. 3 Hain)
- Replace the concept of improvement of capabilities by development of capabilities and add civilian capabilities (am. 11 Hjelm-Wallén and others)
- Replace the first sentence of the second subparagraph relating to Member States' undertaking to improve their military capabilities by a new sentence specifying that they will develop their capabilities with the aim of contributing to the implementation of the common security and defence policy (am. 14 Tiilikainen and others).

### Agency

- Delete from the list of the Agency's tasks those relating to:
  - putting forward measures to satisfy operational requirements;
  - participating in defining a European military capabilities policy (am. 5 Lopes + 1)
- Delete the reference to the Agency, since the Agency should be set up in Part Two of the Constitution, and replace it by support for the development of military capabilities through cooperation between the Member States in the field of armaments (am. 11 Hjelm-Wallén and others).
- Change the name of the Agency by adding the concept of the development of capacity and deleting "military" before "capacity" (am. 3 Hain, am. 12 Fischer, am. 15 de Villepin)
- Delete the Agency's various tasks and replace them by "to support these efforts including by promoting cooperation and contributing to the development of policies on all related issues", and add that the Agency is set up within the Council/under the Council's authority (am. 3 Hain, am. 12 Fischer, am. 15 de Villepin).

### Paragraph 4

- Put "Member State" at the beginning of the list of originators of a proposal and add to the list "Commission proposal" and "joint proposal from the Minister for Foreign Affairs and the Commission" (am. 7 Farnleitner)
- Add a sentence specifying that the commitment of national and multinational resources for operations will be a decision for the Member State or Member States concerned (am. 3 Hain).
- Delete the possibility of a joint proposal from the Minister for Foreign Affairs and the Commission as regards the use of national resources and Union instruments. Only the Minister for Foreign Affairs may make such a proposal (am. 15 de Villepin).

### Paragraph 5

- Delete the paragraph (am. 7 Farnleitner)

### Paragraph 6

- Delete the concept of "higher" in relation to capabilities (am. 5 Lopes + 1) or delete all reference to criteria (am. 9 Kohout)
- Delete this paragraph as it is thought to call into question the inclusive and flexible nature of the CSDP (am. 3 Hain, am. 11 Hjelm-Wallén and others, am. 10 Kalniete, am. 8 Hololei)
- Preference for deleting this paragraph, but if the decision were taken to develop such cooperation, it should be governed by the provisions on enhanced cooperation (am. 14 Tiilikainen and others)
- Add a sentence at the beginning of the paragraph reading "By developing its Common Security and Defence Policy, the Union aims to establish a European Security and Defence Union. With this in mind ..." (am. 15 de Villepin)

### Paragraph 7

- Replace the sentence on close cooperation with NATO by a sentence specifying that the provisions of the paragraph do not affect, for those involved, the rights and obligations resulting from the North Atlantic Treaty (am. 15 de Villepin)
- Delete the paragraph, on the grounds that closer cooperation on mutual defence is seen as dividing the Member States and duplicating undertakings entered into by certain Member States in other contexts (am. 5 Lopes + 1, am. 3 Hain, am. 1 de Vries + 1, am. 2 Demiralp, am. 11 Hjelm-Wallén and others, am. 10 Kalniete).
- Preference for deleting this paragraph; however, the current provisions of the Treaty on the number of participating Member States, openness and decision-making should constitute the minimum standard (am. 14 Tiilikainen and others).

### Paragraph 8

- Add the need for consent by the European Parliament to the basic choices of the common security and defence policy and to decisions relating to the tasks referred to in paragraph 1 (am. 4 Kaufmann)
- Add that national Parliaments should also be informed and consulted in the context of the Interparliamentary Conference (am. 13 Azevedo + 1)

## **Article I-41: Specific provisions for implementing the area of freedom, security and justice**

Article 41 was the subject of two amendments: Mr Kohout is calling for deletion of paragraph 2 which refers to national parliaments, and Mr Chabert and others want a reference added to regional parliaments and regional legislation.

Am. 2 de Villepin proposes a new paragraph underlining the role of the JHA Council in this question. In addition, he suggests a slightly different wording, closer to the language used in Part Three, concerning scrutiny of Eurojust by the national parliaments.

## **Article I-42: Solidarity clause**

- Delete any reference to terrorism from the scope of the clause and keep only references to natural or man-made disasters on the grounds that the exact consequences of such a clause are not clear, particularly as regards the fight against terrorism (am. 1 de Vries + 1).
- Delete (a) and (b). Delete the use of military resources (am. 2 Kaufmann).
- New heading: security and solidarity clause (am. 4 de Villepin).
- New wording of the Article: In the face of threats which confront their common security, the Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the victim of a terrorist attack or other disaster. The Union and its Member States shall for these purposes make use of all resources available to them, including civilian and military capabilities in the framework of Article 30, in order to grant help and assistance at the request of the Member State concerned. This will give expression to the principle of the indivisibility of the security of the Member States of the Union (am. 4 de Villepin).

## **Chapter III: Enhanced cooperation**

### **Article I-43: Enhanced cooperation**

In general, Article 43 (ex 32b) has been well received, with the exception of the amendment from one Convention member who suggested deleting all the provisions on enhanced cooperation (am. 3, Duff + Gricius, Ruppel, MacLennan of Rogart, Lichtenberger). Another amendment suggests taking over as it stands the wording of Article 43 of the TEU (am. 10, Lopes + Nazare Pereira, Lobo Autunes). Otherwise, the proposed amendments concern in the main the last resort condition, the minimum participation threshold and the qualified majority in enhanced cooperation<sup>1</sup>. Moreover, many amendments have been submitted for the articles in Part Three (Article III-318 to III-325, ex Articles I to O).

#### **Minimum threshold of one third of the Member States:**

Certain amendments reflect the desire for this condition to be more flexible:

- Eight Member States, with the possibility for the Commission of proposing a derogation, in the context of the authorisation procedure (ams. 2 and 21 de Villepin) and three Member States in the sphere of defence (see am. 1 re Article I, new Article III-318)
- Five Member States (ams. 4 and 18 Fischer)
- One quarter of the Member States, in the case of enhanced cooperation on implementation of the area of freedom, security and justice (am. 9 Haenel)
- Deletion of the last resort condition, leaving it to those involved in the authorisation procedure to determine the sufficient critical mass with reference to the fields envisaged (am. 5 Michel + Di Rupo, Van Lancker, Chevalier, Nagy).

Other amendments, however, suggest increasing the minimum threshold to half of the Member States, as provided for in the Treaty of Amsterdam (am. 1 and 11 Balázs; am. 6 Queiró; am. 17 Kohout; am. 14 Kiljunen; am. 12 Kalniete).

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<sup>1</sup> There are also other horizontal amendments concerning, for example, the title of the Minister for Foreign Affairs (see amendments from Queiró proposing a "European External Representative", or from Roche proposing "the Union's Minister for Foreign Affairs").

**Last resort condition:**

Several amendments suggest deleting the last resort condition (ams. 2 de Villepin, ams. 4 and 18 Fischer), or at least wording it in more general terms, in particular without any prior establishing by the Council (am. 5 Michel + 4). One amendment, on the other hand, suggests adopting the wording of the Treaty of Nice (am. 16 Frendo).

**Qualified majority in enhanced cooperation:**

Several amendments make the point that the wording on qualified majority voting in enhanced cooperation depends on the final agreement on this subject (am. 6 Queiró, am. 7 Roche; am. 10 Lopes + 2). In particular, one amendment refers to the principle that the threshold of a majority of the Member States is higher when decisions are not being taken on the basis of a Commission proposal (ams. 5 and 20 Michel + 4).

Others proposed giving participating Member States the option of using qualified majority voting even in cases where the Constitution provides for unanimous voting, either following a unanimous decision by participating Member States to do so (ams. 5 and 20 Michel + 4) or where the Commission provides for it in its proposal (am. 21 de Villepin).

**Other amendments:**Paragraph 1:

- Do not exclude exclusive competences from the scope of enhanced cooperation (am. 8 Berès, Duhamel, Fayot).

Paragraph 2:

- Provide for European Parliament assent in the authorisation procedure, including in the context of the CFSP (am. 13 Kaufmann, am. 19 Duff + 2).

Paragraph 3:

- Make clear that this concerns "all *representatives* of the Member States.." (am. 13 Kaufmann).

Paragraph 4:

Make clear that acts are directly applicable only in participating States (am. 5 Michel + 4).

Add "the Union" before "acquis" in paragraph 4 (ams. 4 and 18 Fischer).

Delete the second sentence of paragraph 4 (am. 6 Queiró, am. 13 Kaufmann).

Provide for specific referral to the Court of Justice by non-participants concerning the initial authorisation decision (am. 17 Kohout).



## **TITLE VI: THE DEMOCRATIC LIFE OF THE UNION**

### **Article I-44: The principle of democratic equality**

- Reflect the dual equality of citizens and Member States and delete the second sentence on equal attention from the Union's institutions (am. 2 Rupel and Lenarčič, 3 Tiilikainen + 5), or delete the second sentence (am. 4 Duff + 4).
- Delete (am. 1 Kaufmann).

### **Article I-45: The principle of representative democracy**

- Paragraph 2: Add reference to representation of regional and local communities through the Committee of the Regions (am. 3 Chabert + 5).
- Paragraph 3: Add references to European petitions and referenda and delete the second sentence (am. 1 Kaufmann).
- Paragraph 4: Reformulate to refer to legal basis for European political parties (am. 1 Kaufmann) or to reproduce the text of current Article 191 TEC (am. 2 Lopes and Lobo Antunes).

### **Article I-46: The principle of participatory democracy**

- Paragraph 1: Refer to organised civil society (am. 5 Hololei).
- Paragraph 2: Add that the dialogue should be structured (ams. 1 De Rossa, 3 Kaufmann, 5 Hololei), and a reference to the respect of the autonomy of associations/civil society (am. 1 De Rossa), or regions (am. 2 Hain), or organised civil society (am. 3 Kaufmann), and that the dialogue should take place in every stage of the decision-making process (am. 5 Hololei). Delete references to "representative associations" (am. 3 Kaufmann).
- Add new paragraph 3 on consultations with regional and local entities (am. 4 Palacio).

#### **Article I-47: The social partners and autonomous social dialogue**

- Refer to the role of the social partners in all fields of their concern and the facilitation of social dialogue, including co-regulation and agreements (am. 1 Gabaglio). Add reference to establishment of the Tripartite Social Summit for Growth and Employment (am. 2 Katiforis).

#### **Article I-48: The European Ombudsman**

No amendments.

#### **Article I-49: Transparency of the proceedings of the Union's Institutions**

- Paragraph 1: Refer to principle of openness and the definition of exceptions in a European law (am. 2 Lennmarker). Replace "civil society" by citizens (am. 3 Lopes and Lobo Antunes), delete "as possible" (am. 4 Bonde).
- Paragraph 2: Refer to during the presentation and the voting, instead of "when it is discussing and adopting" (am. 3 Lopes and Lobo Antunes). Add specific references to access of documents for Members of the European Parliament (am. 5 Bonde). Replace "discussing and adopting" by "acting on" (am. 8 de Villepin).
- Paragraph 3: Delete (am. 1 Kaufmann). Replace "agencies in whatever form they are produced" by "agencies, whatever their medium" (am. 8 de Villepin).
- Paragraph 4: Add reference to bodies and agencies (am. 1 Kaufmann), or that the European law should also fix the structure and content of the Official Journal of the European Union (am. 7 Duff + 5).
- Add paragraph(s) on the right to freedom of expression of members, officials and other employees of institutions and committee members (am. 2 Lennmarker, 6 Hjelm-Wallén + 3), or on the availability of documents to the public and public meetings (am. 5 Bonde).

### **Article I-50: Protection of personal data**

- Paragraph 1: Delete (ams. 2 Kaufmann, 3 Duff + 4).
- Paragraph 2: Transfer to Part Three (am. 3 Duff + 4), delete last sentence (am. 4 Teufel).
- Paragraphs 4 and 5: Delete (am. 1 Hain).

### **Article I-51: Status of churches and non-confessional organisations**

- Add to paragraph 1 that the provisions do not interfere with matters relating to religion and belief in Member States (am. 4 Bonde).
- Delete (ams. 1 Demiralp, 2 Kaufmann, 3 Lekberg, 5 Duff + 3, 6 Michel + 4).

### **[Article I-X]**

It should be noted that the proposal for a possible Article X (Congress of the Peoples of Europe) has been withdrawn (see CONV 770/03), and proposals to delete the Article are therefore not quoted here (list of amendments in Annex).

### **Proposals for a new Article**

- Add Article on official and working languages of the European Union, including provisions on rights of citizens and others in this respect in their contacts with institutions, bodies and agencies (am. I – 49/4 Pieters + 2).
- Add Article on the right of petition and European referendum, including provisions on the organisation of debate within the Union institutions and/or the submission of legislative proposals and ratification of a legislative proposal or a treaty by popular referendum (am. 1 Lamassoure).
- Add Article on local and regional entities on the model of Article I-51 (on the Status of churches and non-confessional organisations).

## **TITLE VII : THE UNION'S FINANCES**

### **Article I-52: Budgetary and financial principles**

The **budgetary principles** referred to in Article I-52 are the subject of amendments 1 Hain, 2 Farnleitner and 3 Tiilikainen and others, which are designed to make those principles clearer. Amendment 1 Hain proposes changing the procedure provided for in Article III-314.

### **Article I-53: The Union's resources**

Regarding the procedures for **resources** referred to in Article I-53, several amendments (am. 4 de Vries and de Bruijn, am. 5 Teufel and am. 6 Hain) propose a single procedure for all the provisions concerning resources: unanimity in the Council, national ratification and consultation of the Parliament. Amendment 8 Hjelm-Wallén and Petersson proposes the same procedure for the arrangements for resources referred to in paragraph 4. Other amendments, however, want less cumbersome procedures than those proposed in Article I-53 (am. 9 Michel and others, envisaging an enhanced majority in the Council with consent of the Parliament, and 10 Fini and Speroni, providing for the legislative procedure with national ratification). Amendment 27 Teufel proposes that the Council should act unanimously when determining the ceilings for expenditure.

The principles concerning resources are the subject of amendments 12 Wuermeling and 13 Farnleitner, who would like the principle of sufficiency of means to be subject to budgetary discipline, and amendment 11 Lopes and Lobo Antunes, concerning the idea of equity between Member States. Amendment 14 Berès and Duhamel proposes that the Union should be empowered to take out loans.

### **Article I-54: The multiannual financial framework**

The procedure for adopting the **financial framework** referred to in Article I-54 is the subject of amendments 15 Tiilikainen and others, 17 Balázs and 18 Gottfried, proposing unanimity in the Council, and 16 Lopes and Lobo Antunes, 19 Lenmarker, 20 de Vries and de Bruijn and 21 Hain, proposing unanimity in the Council with a simple opinion from the Parliament. Amendment 22 Hjelm-Wallén and others maintains the qualified majority but replaces consent by the Parliament

with a simple opinion. Conversely, amendment 23 Berès and Duhamel proposes the legislative procedure, while amendment 24 Palacio proposes changing to a qualified majority only as from adoption of the financial framework provided for the period starting in 2007.

#### **Article I-55: The Union's budget**

Amendment 25 Balázs and 26 Gottfried propose that the Council and the Parliament should adopt the **annual budget** "jointly" (Article I-55).

## **TITLE VIII: THE UNION AND ITS IMMEDIATE ENVIRONMENT**

### **Article I-56: The Union and its immediate environment**

Convention members have presented 5 amendments to draft Article I-56.

Barnier, Vitorino and others, and Duff and others, suggest that the entire Article should be deleted. Barnier, Vitorino and others suggest replacing it with a new Article on the external representation of the Union.

The amendment from Lopes and Lobo Antunes suggests that the first paragraph be transferred to the Article on the objectives and principles of EU external action.

The amendment from Tiilikainen and others expresses doubts over the need for such an Article. In any case they propose deleting the second paragraph (on the basis that this provision is covered in Article III-220), and introducing a small change to the first paragraph.

The amendment from Chabert and others proposes adding a new sentence to paragraph 1 of the article which would read as follows:

*Cross-border and interregional cooperation may constitute a key element of this good neighbourly policy.*

## **TITLE IX: UNION MEMBERSHIP**

### **Article I-57: Conditions and procedure for applying for Union membership**

#### **Paragraph 1**

- Add in paragraph 1 after European States "whose peoples respect" (Balázs).

#### **Paragraph 2**

- Replace "unanimously" with "by a qualified majority" (am. 2 Demilralp).
- Add reference to the fact that the opening of accession negotiations gives rise to the conclusion of an international agreement under the procedure laid down in Article 300 of Part Three (am. 3 Lamassoure).
- Add the need for the European Parliament to give its consent by an absolute majority of its members. Add after the conditions for admission the words "and the adjustments to the Constitutions such an admission entails" (am. 4 Lopes and Lobo Antunes).

### **Article I-58: Suspension of Union membership rights**

- Paragraph 2: replace unanimity by a majority of four fifths of the Member States: am. 2 Michel + 4.
- Paragraphs 2 and 3: add initiative of the European Parliament: am. 1 Kaufmann.

### **Article I-59: Voluntary withdrawal from the Union**

- Delete: am. 1 de Vries and de Bruijn, am. 2 Farnleitner, am. 4 Lopes and Lobo Antunes.

### Paragraph 1

- Limit the right of withdrawal to refusal to ratify a revision of the constitutional treaty:  
am. 8 de Villepin.

### Paragraph 2

- Paragraph 2: add a subparagraph requiring the Member State applying to withdraw to confirm its decision to do so on the basis of the withdrawal agreement: am. 6 Michel + 4.

### Paragraph 3

- Make withdrawal subject to entry into force of the withdrawal agreement: am. 3 Kaufmann, am. 5 Brok + 20, am. 8 de Villepin.
- Add a paragraph on the possibility of expelling a Member State from the Union if it persists in breaching the values in Article I-2 following a decision of the European Council in accordance with Article I-58(2), or if there is abuse of the right of withdrawal. Unanimous decision by the European Council after consent by the European Parliament. Expulsion takes effect as from the decision of the European Council: am. 5 Brok + 20.
- Add a new article on the status of associate member of the Union: am. 7 Duff + 4.



## **DRAFT PROTOCOL ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION**

- Add a reference to the Committee of the Regions in paragraphs 2, 3, 5, 6 and 8 (ams. 1, 2, 3, 4, 5 Chabert + 5).
- Paragraph 2: Add that the recommendation of the Commission on draft economic guidelines as well as its proposal for employment guidelines will be sent to national parliaments (am. 7 Michel + 4).
- Paragraph 7: Add that in cases where the constitution of Member States recognises autonomous legislative powers of federal entities, the provisions of the protocol apply to all parliaments of federal entities with autonomous legislative powers (am. 6 Pieters). Replace with text stating that Member States can, taking into account their constitutional organisation, indicate in a declaration which parliament is to be considered as national parliament in the sense of the protocol as regards different policy areas.
- Paragraph 9: Replace with new text on Interparliamentary Conference, a new denomination for COSAC, describing its organisation and tasks (am. 8 Azevedo + 3).

## **DRAFT PROTOCOL ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY**

Overall, few amendments have been received, and the Praesidium's new version has considerable support from the Convention as confirmed by the small number of interventions concerning the Protocol at the plenary session on 29 and 30 May.

One amendment asks that regional chambers having legislative competences should not be penalised in comparison with national Parliaments and puts forward various solutions to ensure this (am. 1 Pieters). Along similar lines, one amendment proposes allowing Member States the option of indicating which institution or regional Parliament having legislative competence should be regarded as a "national Parliament" under the Protocol (am. 11 Michel and 4 others). One amendment is against the system of allocating votes for bicameral Parliaments (am. 6 Wuermeling).

Some amendments go back over the possibility of the Court of Justice ruling on the application of the principle of subsidiarity on the grounds that the principle of subsidiarity is an exclusively political principle (am. 3 Lekberg and am. 9 Hjelm-Wallén and another). One other amendment requires provision for such a right to bring action also to cover breaches of the principles of conferral of competences and proportionality (am. 6 Wuermeling).

One amendment suggests withdrawing the Committee of the Regions' option of bringing action before the Court (am. 5 de Vries).

One amendment wants the right to bring action for all legal acts whether or not they are legislative (am. 12 Teufel). Another amendment proposes deleting the option of referral by a national Parliament (am. 13 Tiilikainen + 5).

One amendment proposes adopting all or part of the current Protocol on subsidiarity in order to include the principles governing the subsidiarity principle (am. 4 Lopes and other). Two amendments propose including the substantive guidelines from the current Protocol, making it possible to assess whether the principle of subsidiarity had been complied with (am. 6 Wuermeling, am. 12 Teufel).

The observer members of the Convention from the Committee of the Regions (CoR) have submitted amendments providing for the CoR to be mentioned in paragraph 2 (am. 7 Chabert and 5 others). The same members propose placing the CoR on an equal footing with national Parliaments and enabling it, like them, to intervene through the early-warning system (am. 7 Chabert and 5 others).

Two amendments point out that it is not realistic to ask the Commission to comment on the assessment of the regional impact of its proposed legislation (am. 8 Barnier and Vitorino, and am. 9 O'Sullivan and Ponzano).

## **LISTE DES AMENDEMENTS**

### **PREAMBLE**

1. *Muscardini*
2. *De Rossa*
3. *Cisneros*
4. *Fini + 1*
5. *Demilralp*
6. *Dini*
7. *Duhamel + 2 Conventionnels*
8. *Wuermeling + 2 Conventionnels*
9. *Giannakou*
10. *Brok*
11. *Duff*
12. *Teufel*

### **Article I-1**

1. *Balázs*
2. *Hain*
3. *Lopes*
4. *Wuermeling*
5. *Kohout*
6. *Kaufmann*
7. *Hjelm-Wallén + 5 Conventionnels*
8. *Duff + 3 Conventionnels*
9. *Teufel*

### Article I-2

1. *Dybkjaer*
2. *Lopes + 1 Conventionnel*
3. *Balázs + 10 Conventionnels*
4. *Kaufmann*
5. *Rupel*
6. *Berès + 1 Conventionnel*
7. *Bonde*
8. *Hjelm-Wallén + 2 Conventionnels*
9. *Fischer*
10. *Duff + 4 Conventionnels*
11. *Michel + 4 Conventionnels*

### Article I-3

1. *Cushnahan + 9 Conventionnels*
2. *Cravinho*
3. *De Rossa*
4. *de Vries + 1 Conventionnel*
5. *Dybkjaer*
6. *Farnleitner*
7. *Gabaglio*
8. *Hain*
9. *Kaufmann*
10. *Lopes + 1 Conventionnel*
11. *Lopes + 1 Conventionnel*
12. *Palacio*
13. *Wuermeling*
14. *Chabert + 5 Conventionnels*
15. *Berès + 1 Conventionnel*
16. *Kohout*

Article I-4

1. *Hain*
2. *Kaufmann*
3. *Kohout*
4. *Borrell + 1 Conventionnels*

Article I-5

1. *Hain*
2. *Lopes*
3. *Kohout*

Article I-6

1. *Brok*

Article I-7

1. *Demiralp*
2. *de Vries + 1 Conventionnel*
3. *Hain*
4. *Fini + 1 Conventionnel*
5. *Kaufmann*
6. *Kalniete*
7. *Hjelm-Wallén + 2 Conventionnels*
8. *Duff*
9. *de Villepin*

Article I-8

1. *Borrell*
2. *Kohout*
3. *Kaufmann*

Article I-9

10. *Lopes, Lobo Antunes*
11. *Bonde*
12. *Brok + 19 Conventionnels*
13. *Chabert + 5 Conventionnels*
14. *Duff + 4 Conventionnels*
15. *Costa + 3 Conventionnels*
16. *Teufel*

Article I-10

12. *Hain*
13. *Hjelm-Wallén + 2 Conventionnels*
14. *O'Sullivan et Ponzano*

Article I-11

1. *Hain*
2. *Lopes, Lobo Antunes*
3. *Chabert*
4. *Duff*
5. *Fischer*
6. *Tiilikainen*
7. *de Villepin*

#### Article I-12

1. *MacCormick*
2. *Hain*
3. *Kaufmann*
4. *Azevedo + 3 Conventionnels*
5. *Fischer*
6. *Lamassoure*
7. *O'Sullivan et Ponzano*
8. *Teufel*
9. *Tiilikainen + 5 Conventionnels*
10. *Duff*
11. *de Villepin*

#### Article I-13

1. *Giannakou*
2. *Dybkjaer*
3. *Pieters*
4. *de Vries, de Bruijn*
5. *Hain*
6. *Kaufmann*
7. *Maij-Weggen*
8. *Brok + 18 Conventionnels*
9. *Chabert*
10. *Costa + 2 Conventionnels*
11. *Duff*
12. *Fischer*
13. *Giannakou*
14. *Hjelm-Wallén + 2 Conventionnels*
15. *Tiilikainen + 5 Conventionnels*
16. *Wuermeling*
17. *Teufel*
18. *Borrell*



Article I-14

1. *Hain*
2. *de Vries, de Bruijn*
3. *Farnleitner*
4. *Borrell + 2 Conventionnels*
5. *Duff + 3 Conventionnels*
6. *Fischer*
7. *Hjelm-Wallén + 2 Conventionnels*
8. *Lennmarker*
9. *Teufel*
10. *Tiilikainen + 5 Conventionnels*
11. *Wuermeling*
12. *Borrell*
13. *de Villepin*

Article I-15

1. *Hain*

Article I-16

1. *de Rossa*
2. *Cisneros*
3. *de Vries, de Bruijn*
4. *Hain*
5. *Lopes et Lobo Antunes*
6. *Giannakou*
7. *Michel + 4 Conventionnels*
8. *Palacio*
9. *Tiilikainen et 5 Conventionnels*
10. *Teufel*
11. *de Villepin*
12. *Borrell + 2 Conventionnels*
13. *Hübner*

Article I-17

1. *de Vries, de Bruijn*
2. *Farnleitner*
3. *Hain*
4. *Lopes, Lobo Antunes*
5. *Wuermeling*
6. *Costa + 3 Conventionnels*
7. *Chabert + 5 Conventionnels*
8. *Michel + 4 Conventionnels*
9. *Teufel*
10. *de Villepin*

Article I-32

1. *Kaufmann*
2. *Kohout*
3. *Farnleitner*
4. *Hain*
5. *Barnier, + 3 Conventionnels*
6. *Lopes, Lobo Antunes*

Article I-33

7. *Michel, Di Rupo, Van Lancker, Chevalier, Nagy*
8. *Hain*
9. *Kaufmann*
10. *Borrell, Carnero, Lopez Garrido*

Article I-34

11. *Duff, Dini, Helminger, Lang, Maclellann*

Article I-35

- 12. *Wuermeling*
- 13. *Teufel*
- 14. *Hjelm-Wallén, Petersson, Lekberg*
- 15. *Lopes, Lobo Antunes*
- 16. *Fischer*
- 17. *Duff, Dini, Helminger, Lang, Rupel, MacLennan*
- 18. *de Vries, de Bruijn*
- 19. *Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle*
- 20. *Hain*
- 21. *Kaufmann*
- 31. *de Villepin*

Article I-36

- 22. *Kaufmann*
- 23. *Wuermeling*
- 24. *Barnier, Vitorino, O'Sullivan, Ponzano*
- 25. *Fischer*
- 26. *Hain*
- 27. *Duff, Dini, Helminger, Lang, MacLennan*
- 28. *Hjelm-Wallén, Petersson, Lekberg*

Article I-37

- 29. *Duff, Dini, Helminger, Lang, MacLennan*
- 30. *Hjelm-Wallén, Petersson, Lekberg*

Article I-39

1. *Hain*
2. *Kaufmann*
3. *Lopes + 1 Conventionnel*
4. *Farnleitner*
5. *Lennmarker*
6. *Fischer*
7. *Duff + 4 Conventionnels*
8. *Dini*
9. *Azevedo + 3 Conventionnels*
10. *Tiilikainen + 5 Conventionnels*
11. *de Villepin*

Article I-40

1. *de Vries*
2. *Demilralp*
3. *Hain*
4. *Kaufmann*
5. *Lopes + 1 conventionnels*
6. *Muscardini*
7. *Farnleitner*
8. *Hololei*
9. *Kohout*
10. *Kalniet*
11. *Hjelm-Wallén + 2 Conventionnels*
12. *Fischer*
13. *Azevedo*
14. *Tiilikainen*

Article I-41

1. *Chabert + 4 Conventionnels*
2. *de Villepin*
3. *Kohout*
4. *Tiilikainen + 5 Conventionnels*

Article I-42

1. *de Vries*
2. *Kaufmann*
3. *Hjelm-Wallén + 2 Conventionnels*
4. *de Villepin*

Article I-43

1. *Péter, Balázs*
2. *de Villepin*
3. *Duff, Gricius, Rupel, Lord MacLennan of Rogart, Lichtenberger*
4. *Fischer*
5. *Michel, di Rupo, Van Lancker, Chevalier, Nagy*
6. *Queiró*
7. *Roche*
8. *Berès, Duhamel, Fayot*
9. *Haenel*
10. *Lopes, Nazaré Pereira, Lobo Antunes*
11. *Balázs*
12. *Kalniete*
13. *Kaufmann*
14. *Kiljunen*
15. *Hain*
16. *Frendo*
17. *Kohout*
18. *Fischer*
19. *Duff*
20. *Michel*
21. *de Villepin*

*22. Hubner*

*Article I-44*

- 1. Ms. Kaufmann*
- 2. Mr. Rupel and Mr. Lenarčič*
- 3. Ms. Tiilikainen, Mr. Peltomämi, Mr. Kiljunen, Mr. Vilén, Mr. Takkula, Mr. Helle*
- 4. Mr. Duff, Mr. Dini, Mr. Helminger, Mr. Lang, Lord MacLennan.*

*Article I-45*

- 1. Ms. Kaufmann*
- 2. Mr. Lopes and Mr. Lobo Antunes*
- 3. Mr. Chabert, Mr. Dammeyer, Mr. Dewael, Ms. du Granrut, Mr. Martini, Mr. Valcarcel Siso*

*Article I-46*

- 1. Mr. De Rossa*
- 2. Mr. Hain*
- 3. Ms. Kaufmann*
- 4. Ms. Palacio*
- 5. Mr. Hololei*

*Article I-47*

- 1. Mr. Gabaglio*
- 2. Mr. Katiforis*

#### Article I-49

1. *Ms. Kaufmann*
2. *Mr. Lennmarker*
3. *Mr. Lopes and Mr. Lobo Antunes*
4. *Mr. Pieters, Mr. Lamassoure and Mr. McCormick (refers to proposal for a new article)*
5. *Mr. Bonde*
6. *Ms. Hjelm-Wallén, Mr. Petersson, Mr. Lekberg, Mr. Lennmarker*
7. *Mr. Duff, Mr. Dini, Mr. Helminger, Mr. Lang, Mr. Rupel and Lord MacLennan*

#### Article I-50

1. *Mr. Hain*
2. *Ms. Kaufmann*
3. *Mr. Duff, Mr. Dini, Mr. Helminger, Mr. Lang and Lord MacLennan*
4. *Mr. Teufel*

#### Article I-51

1. *Mr. Demiralp*
2. *Ms. Kaufmann*
3. *Mr. Lekberg*
4. *Mr. Bonde*
5. *Mr. Duff, Mr. Helminger, Mr. Lang and Lord MacLennan*
6. *Mr. Michel, Mr. di Rupo, Ms. van Lancker, Mr. Chevalier, Ms. Nagy*

#### Article I-X

1. *Mr. de Vries and Mr. de Bruijn*
2. *Mr. Demiralp*
3. *Mr. Lopes and Mr. Lobo Antunes*
4. *Ms. Hjelm-Wallén, Mr. Petersson and Mr. Lekberg*
5. *Mr. Kohout*

#### Proposed new article

1. *Mr. Lamassoure*
2. *Mr. Teufel*

#### Article I-52

1. *Hain*
2. *Farnleitner*
3. *Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle*

#### Article I-53

4. *de Vries, de Bruijn*
5. *Teufel*
6. *Hain*
7. *Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle*
8. *Hjelm-Wallén, Petersson, Lekberg*
9. *Michel, Di Rupo, Van Lancker, Pierre Chevalier, Nagy*
10. *Fini, Speroni*
11. *Lopes, Lobo Antunes*
12. *Wuermeling*
13. *Farnleitner*
14. *Berès, Duhamel*



Article I-54

15. *Tiilikainen, Peltomäki, Takkula, Helle*
16. *Lopes, Lobo Antunes*
17. *Balázs*
18. *Gottfried*
19. *Lennmarker*
20. *de Vries, de Bruijn*
21. *Hain*
22. *Hjelm-Wallén, Petersson, Lekberg*
23. *Berès, Duhamel*
24. *Palacio*
27. *Teufel*

Article I-55

25. *Balázs*
26. *Gottfried*

Article I-56

1. *Lopes + 1 Conventionnel*
2. *Chabert + 5 Conventionnels*
3. *Barnier + 3 Conventionnels*
4. *Duff + 4 Conventionnels*
5. *Tiilikainen + 5 Conventionnels*

Article I-57

1. *Balázs*
2. *Demilralp*
3. *Lamassoure*
4. *Lopes et Lobo Antunes*

Article I-58

1. Kaufmann
2. Michel + 4 Conventionnels
3. Hübner

Article I-59

1. de Vries et de Bruijn
2. Farnleitner
3. Kaufmann
4. Lopes et Lobo Antunes
5. Brok + 19 Conventionnels
6. Michel + 4 Conventionnels
7. Duff + 4 Conventionnels
8. de Villepin

Draft Protocol on the role of national parliaments in the European Union

1. Mr. Chabert + 5 Conventionnels
2. Mr. Chabert + 5 Conventionnels
3. Mr. Chabert + 5 Conventionnels
4. Mr. Chabert + 5 Conventionnels
5. Mr. Chabert + 5 Conventionnels
6. Mr. Pieters
7. Mr. Michel + 4 Conventionnels
8. Ms. Azevedo + 3 Conventionnels

Projet de Protocole sur l'application des principes de subsidiarité et de proportionnalité

1. *Pieters*
  2. *Palacio*
  3. *Lekberg*
  4. *Lopes, Lobo Antunes*
  5. *de Vries, de Bruijn*
  6. *Wuermeling*
  7. *Chabert*
  8. *Barnier, Vitorino, O'Sullivan, Ponzano*
  9. *Hjelm-Wallén, Petersson*
  10. *O'Sullivan, Ponzano*
  11. *Michel, di Rupo, Van Lancker, Chevalier, Nagy*
  12. *Teufel*
- Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle*
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