

**CONV 833/03**

**NOTE DE TRANSMISSION**

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du: Secrétariat

à la: Convention

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Objet: Lettre de M. Giuliano Amato, au nom du parti des socialistes européens, de M. Elmar Brok, au nom du Parti populaire européen, et de M. Andrew Duff, au nom du parti européen des libéraux, démocrates et réformateurs

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Les membres de la Convention trouveront ci-joint une lettre que le Président de la Convention a reçue le 8 juillet 2003 de M. Giuliano Amato, au nom du parti des socialistes européens, de M. Elmar Brok, au nom du Parti populaire européen et de M. Andrew Duff, au nom du parti européen des libéraux, démocrates et réformateurs.

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## THE EUROPEAN CONVENTION

*From Mr Giuliano Amato on behalf of the Party of European Socialists, Mr Elmar Brok on behalf of the European People's Party, and Mr Andrew Duff on behalf of the European Liberal, Democrat and Reform Party*

President Valéry Giscard d'Estaing  
European Convention  
Rue de la Loi 175  
1048 Brussels

8 July 2003

Dear President,

As we know, the Convention has been unable either to debate in full or to reach a consensus on the matter of Part IV of the Constitution. This means that the draft we are sending to the Intergovernmental Conference has to stick to the existing Treaty on European Union with respect to the revision and entry into force provisions.

We welcome your suggestion that you write on behalf of the Convention to the President of the European Council to draw attention to the need for the IGC to review Part IV.

Here we offer a suggestion for the amendment of Article IV-6 which takes account of the position of many members of the Convention.

The changes we propose will allow for the Constitution to be revised in the future by fewer than all member states when and in so far as no shift in competences takes place. Use of the softer procedure is restricted to provisions of Part III of the Constitution, thereby excluding the institutional provisions of Part I which establish the balance of power between member states, and also the Charter of Fundamental Rights in Part II.

The European Parliament will have the right of consent over a decision of the European Council not to call a Convention, and also to the agreed constitutional changes.

The reference to the Court of Justice is in order to verify that competences are not affected. This procedure, and the assent procedure of the European Parliament, are drawn directly from the Treaty establishing the Coal and Steel Community.

**Article IV-6: Procedure for revising the Treaty establishing the Constitution**

1. The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of Treaty establishing the Constitution. The national Parliaments of the Member States shall be notified of these proposals.

2. If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the President of the European Council shall convene a Convention composed of representatives of the national Parliaments of the Member States, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The European Council may decide by a simple majority not to convene the Convention should the scope of the amendments not warrant this, ***after having received the consent of the Parliament***. In the latter case, the European Council shall define the terms of reference for the conference of representatives of the governments of the Member States.

The Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to the conference of representatives of the governments of the Member States provided for in paragraph 3.

3. The conference of representatives of the governments of the Member States shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to the Treaty establishing the Constitution.

***4. The conference shall decide by a five-sixths majority of the Member States the amendments concerning provisions of Part Three in cases where the competences of the Union and its Member States are not affected.***

5. The amendments ***determined under paragraph 3*** shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

***6. With respect to the amendments determined under paragraph 4, the European Council shall decide the modalities of bringing the amendments into force. The European Council shall act by a five-sixths majority of the Member States, after having received the opinion of the Court of Justice, and after having received the assent of the European Parliament acting by a two-thirds majority of the votes cast representing a majority of its Members.***

We hope this proposal may provide a helpful steer to the IGC.

Please accept our compliments.

Yours sincerely,

GIULIANO AMATO

ELMAR BROK

ANDREW DUFF