

AMENDMENT FORM

Suggestion for amendment of Article 1 / Title I:

By Mr : Jan KOHOUT

Status : - Member

Title I

To rename the Title I to « Basic Principles ».

Art.1.1.

The functions should be mentioned in reverse order, beginning with "*common policies*" as the supranational function defining the Union (common *competences* are a policy tool and belong to lower levels), followed by "coordination" as an interstate function. The expression "to administer" has bureaucratic connotations and should be replaced by a more appropriate word evoking democratic responsibility, such as "to rule" or "to govern".

The term "federal" should be struck off and replaced by "on the basis of ever closer Union"

The text should respect the fact that the Convention agreed to preserve the name "European Union".

Art. 1.2.

Omit "national", insert the essential features of the "identities of its Member States" which are now listed in Art. 9.6. and replace the words "organization of public administration" e.g. by "cultural diversity" or "historical heritage".

Explanation (if any) :

Art. 1.1

The opening sentence starts with a correct reference to the twin sources of democratic legitimacy of the Constitution ("the peoples and the States of Europe"). The phrasing ("Reflecting the will...") would be more appropriate in a preamble.

However, the second part of this sentence clearly refers to the concept of a Union of States and the administrative model of its functioning (Monnet-Delors).

General comment on the first 16 articles

Unlike the draft presented by the Commission in early December 2002, the present draft lacks the distinctive dimension of a *multilevel constitutionality* on which the future Union is to be founded, reflecting the *multilevel identity* of its citizens (local/regional/State/Union) and uniting the individual complementary constitutional levels in a single *consistent* whole.

This concept corresponds to the established practice of the European Court of Justice (direct effect and primacy of Community law, Community law as an integral part of the legal orders of Member States, interpretation and application of national laws in conformity with a directive that has not been duly transposed, etc.).