

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article : 1**

**Déposée par Madame ou Monsieur : Rt Hon David Heathcoat-Amory, MP**

**Qualité : - Membre *X* - Suppléant**

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1.1 Delete « common » ; insert after « future » «based on peaceful cooperation between free and independent states»

**Explication éventuelle**

**Commonality is a vague term that could be interpreted as leading to a unitary system**

1.1 Delete « Constitution » insert « Treaty »

**Explication éventuelle**

**A constitution establishes a state : a Treaty is an agreement between states**

1.1 After « union entitled » insert « Europe of Democracies »

**Explication éventuelle**

**This nomenclature sets out in plain language that the institution is an association of free states and their parliaments**

1.1 Delete from « within which » to end ; insert « within which the member states shall coordinate policies in areas where they cannot effectively legislate on their own »

**Explication éventuelle**

**This insert sets out that European integration is not an objective in itself**

1.1 Delete from « and which » to end

**Explication éventuelle**

**Establishing a federal system creates a country called Europe, whereas national parliaments are best placed to represent the peoples of Europe**

1.1 Insert after « common future» « as expressed by national referendums»

**Explication éventuelle**

**This text is of such importance to the future of Europe that the people should be invited to**

**indicate their support, particularly as it is meant to have been adopted in their name**

1.1 Delete article 1.1 replace with « Reflecting the will of the peoples and States of Europe to build a common future, the High Contracting Parties establish a European Union by this Treaty within which the Member States shall co-ordinate certain policies at a European level to achieve goals that they cannot achieve on their own, and to this end shall confer certain competences of the Member States on the Union, which shall administer those competences in common. »

#### **Explication éventuelle**

**As the opening Article to the Constitution, the Praesidium's draft sends the wrong signals. It must give the impression that it is not the Constitution that grants competences, but the Member States, through the Constitution, freely entered into.**

**Greater integration depends upon people seeing it clearly recognised that the Union remains a Union of states, as well as of people, and that sovereignty flows from the member states to the Union, not the other way round. Is that what is meant by a "federal basis"? We have tried to clarify this because, as drafted, there is an implication of some inherent power in the Constitution other than the powers delegated by the member states. On that basis, this Constitution would represent a significant shift in the institutional balance. What needs to be clear, in other words, is that, within the Union, some powers are exercised on a Community basis and some remain the primary responsibility of the member states. The Fundamental Principles could be clearer in this respect. 'within which the policies of the Member States...' is too broad – it suggests that all policies might be co-ordinated.**

1.1a New clause « Respecting the rules of the World Trade Organisation, and desirous of effecting through commerce an increase in the living conditions of the citizens of Europe's nations and of those with whom they trade »

#### **Explication éventuelle**

**This recalls the reality that the EU operates in a global market – and that it must also be globally competitive**

1.2 Delete and replace with « The Union shall be a Treaty Association of free and self-governing European states, and shall acknowledge and respect the historic national diversity of its members »

#### **Explication éventuelle :**

**The original clause is abstract, and similar assurances in other constitutions have failed to protect the identities of their constituent states**

1.3 Delete from « whose peoples » ; insert before « European States » « democratic »

### **Explication éventuelle**

**Reference to « values » may, in time, become subjective and politically-motivated. It is better to keep the issue straightforward : in a democracy, the people can speak out for themselves. The behaviour of the state is safeguarded by its signature of the European Convention of Human Rights.**

1.3 Delete, replace with « The Union shall be open to all European States which share and respect the values on which the Union is founded. »

### **Explication éventuelle**

**‘open to all European States whose peoples share the same values’ – this must be more specific: The same values as who? Which values? All the same values, or just some? To make this clearer:**

**It should be the states whose values are at issue, not their people**

**The values must be explicitly those of the Union**

**This replacement draft clarifies which values, but without the inelegance of referring directly to Article 3.**

1.4 Insert new article, « The Union shall operate on the principles of transparency, timely and widespread access to working documents, and openness with respect to meetings»

### **Explication éventuelle**

**The Union presently ranks alongside North Korea as the most closed form of government. There are many hundreds of hidden working groups making important decisions without democratic oversight, planning for restricted Council meetings, and drafting for a European Parliament that operates under done deals between arbitrators from political groups. Legislation is often only learnt about by the public when it has already become law and is having some adverse effect. The effect on public opinion towards the EU is obvious.**

1.5 (new article) Members of this Treaty Association are free to withdraw from the Union, after giving one year’s notice »

### **Explication éventuelle**

**This reassures citizens of the Union that it is a voluntary union, with a right of exit as well as entry**

1.6 (new article) « The Treaty organisations of the Union shall be managed according to the principles of professionalism, openness and accountability»

### **Explication éventuelle**

**This supports the work of the Court of Auditors and OLAF. It also supports the bravery of whistleblowers.**