

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr Hain

Status : Member

Article 1: Establishment of the Union

1. Reflecting the will of the peoples and States of Europe to build a common future, the High Contracting Parties establish a European Union [by/under] this Constitution within which the Member States shall co-ordinate certain policies at a European level to achieve goals that they cannot achieve on their own. To this end the Member States shall confer certain of their competences on the Union, which shall administer those competences in common.
 2. *Praesidium draft is okay.*
 3. The Union shall be open to all European States which share and respect the values on which the Union is founded [and which are committed to promoting them together].
-

Explanation (if any) :

The opening Article to the Constitution should give the impression that it is not the Constitution that grants competences, but the Member States, through the Constitution.

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. It needs to be clear that, within the Union, some powers are exercised on a Community basis and some remain the primary responsibility of the member states.

I consider that 'within which the policies of the Member States...' is too broad – it suggests that all policies might be co-ordinated.

Paragraph 3 has been amended to clarify that the values are those of the Union and that it is the states whose values are at issue, not their people.