

AMENDMENT FORM

Suggestion for amendment of Article 34

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><u>Article 34: The principle of participatory democracy</u></p> <p>1. Every citizen shall have the right to participate in the democratic life of the Union.</p> <p>2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.</p> <p>3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.</p>	<p><u>Article 34: The principle of participatory democracy</u></p> <p>1. Every citizen shall have the right to participate in the democratic life of the <i>Community if this is consistent with the rights they hold in their respective Member States.</i></p> <p>2. The <i>Community</i> institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of <i>Community</i> action.</p> <p>3. The <i>Community</i> institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.</p> <p>Explanation: In the United Kingdom, for example, prisoners do not have the right to vote and the simplifying Treaty should not provide rights which are not already enshrined in national laws.</p>

AMENDMENT FORM

Suggestion for amendment of Article : I-46, part I, title VI (CONV 724/03)

By Mr : Prof. Dr. Jürgen Meyer, Delegate of the German Bundestag

Status: - Member -

members: Akcam, Zekeriya; Amato, Guiliano; Andriukaitis, Vytenis; Athanasiu, Alexandru; Avgerinos, Paraskevas; Belohorska, Irena; Borrell Fontelles, Josep; Costa, Alberto Bernardes; Dam Kristensen, Henrik; De Rossa, Proinsias; Demetriou, Panayiotis; Dini, Lamberto; Duhamel, Oliver; Einem, Caspar; Fayot, Ben; Giannakou-Koutsikou, Marietta; Gricius, Algirdas; Haenel, Hubert; Helminger, Poul; Kaufmann, Sylvia-Yvonne; Kiljunen, Kimmo; Laborda, Gabriel Cisneros; Lequiller, Pierre; Marinho, Luis; Mavrou, Eleni; Oleksy, Jozef; Serracino-Inglott, Peter; Skaarup, Peter; Timermans, Frans; Vastagh, Pal; Voggenhuber, Johannes.

alternates: Abitbol, William; Alonso, Alejandro Munoz; Arabadjiev, Alexandar; Basile, Filadelfio Guido; Berger, Maria; Budak, Necdet; Carey, Pat; Carnero Gonzalez, Carlos; D'Oliveira Martins, Guilherme; Eckstein-Kovacs, Peter; Ene, Constantin; Floch, Jacques; Fogler, Marta; Garrido, Diego Lopez; Giberyen, Gaston; Gormley, John; Grabowska, Genowefa; Katiforis, Giorgos; Krasts, Guntars; Kroupa, Frantisek; Lichtenberger, Evelin; Mac Gormick, Neil; MacLennan of Rogart, Lord; Matsakis, Marios; Nagy, Marie; Nazare Pereira, Antonio; Severin, Adrian; Sivickas, Gintautas Speroni, Francesco; Spini, Valdo; Styllanides, Evripides; The Earl of Stockton, Alexander; Vassilou, Androula; Vella, George.

observers:

Du Granrut, Claude; Sigmund, Anne-Marie; Sepi, Mario.

Artikel I-46 (4): Citizens of the Union have the right to request the Commission

Citizens of the Union may request the Commission to submit any appropriate proposal on matters on which they consider that a legal act of the Union is required for the purpose of implementing this Constitution.

Further provisions that particularly regulate the specific procedures and the numbers of signatures that have to be gathered are to be laid down in an European law.

Explanation:

The effect of the above proposal is to bring Europe closer to the people, as Laeken recommended. It represents a large step in the democratisation of the Union.

It will extend the existing right of petition to a right of the citizens to present legislative proposals to the Commission of the EU. The commission has then to decide whether it will take legislative activity or not.

It is very important that the threshold for the signatures that are to be gathered for the European Citizens' Legislative Submission is not too high. A high threshold interferes with the process and effectively allow only powerful organizations the possibility of securing the required signatures.

AMENDMENT FORM

Suggestion for amendment of Article : I-46

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel I-46: Grundsatz der partizipativen Demokratie

(1) Die Organe der Union geben den *Bürgerinnen und* Bürgern und den repräsentativen Verbänden in geeigneter Weise die Möglichkeit, ihre Ansichten zu allen Bereichen des Handelns der Union öffentlich bekannt zu geben und auszutauschen.

(2) Die Organe der Union ~~pfliegen~~ *gewährleisten* einen offenen, transparenten, ~~und~~ regelmäßigen *und strukturierten* Dialog mit den ~~repräsentativen Verbänden und~~ der *organisierten* Zivilgesellschaft.

(3) Um die Kohärenz und die Transparenz des Handelns der Union zu gewährleisten, führt die Kommission umfangreiche Anhörungen der Betroffenen durch.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : I-46

Déposée par Madame Palacio

Qualité : - Membre - Suppléant

Article I-46 : Principe de la démocratie participative

1. Les institutions de l'Union donnent, par les voies appropriées, aux citoyens et aux associations représentatives la possibilité de faire connaître et d'échanger publiquement leurs opinions sur tous les domaines d'action de l'Union.
 2. Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.
 3. Dans ce cadre, la Commission, en collaboration avec les autorités nationales des Etats membres et dans le respect de leur ordre constitutionnel, mène aussi les consultations appropriées avec les entités régionales et locales.
 4. En vue d'assurer la cohérence et la transparence des actions de l'Union, la Commission procède à de larges consultations des parties concernées.
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Explication:

Je propose d'introduire un nouveau paragraphe consacré aux consultations avec les autorités régionales et locales suite aux débats de la session plénière de 7 février et aux propositions du groupe de contact « régions et entités locales ». Je ne vois pas pourquoi l'application du concept de « démocratie participative » devrait être limité à la société civile.

AMENDMENT FORM

Suggestion for amendment of Article : I-46

By Mr : Henrik Hololei

Status : - Alternate

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1. The Union institutions shall, by appropriate means, give citizens and **organised civil society** the opportunity to make known and publicly exchange their opinions **as well as contribute to** all areas of Union action.
 2. The Union institutions shall **guarantee** an open, transparent, **structured** and regular dialogue **with organised civil society in every stage of decision-making process.**
 3. The Commission shall carry out broad prior consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

Explanation :

This wording would enable to better guarantee full participation of the organised civil society.

AMENDMENT FORM

Suggestion for amendment of Article : I-46

By Mr : Hain

Status : - Member -

1. *OK.*
 2. The Union Institutions shall maintain an open, transparent and regular dialogue with representative associations, ~~and~~ civil society and the regions.
 3. *OK.*
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Explanation (if any) :

2. *Repeated amendment.*

AMENDMENT FORM

Suggestion for amendment of Article : Article I-46

By Mr Proinsias De Rossa

Status : - Member

Article I-46 The Principle of Participatory Democracy

Amend paragraph 2 as follows:

The Union institutions shall maintain an open, **structured**, transparent and regular dialogue with representative associations and civil society **while respecting their autonomy**.

Explanation (if any) :

This will strengthen the commitment to dialogue and will give civil society organisations similar respect to that guaranteed to the Social Partners in the treaty.

AMENDMENT FORM

Suggestion for amendment of Article : 34 doc

Suggestion for Part III

By Mr Johannes Voggenhuber and Ms Evelin Lichtenberger

Status : - Member - Alternate

Article 34: The principle of participatory democracy

1. Every ~~citizen~~ **person** shall have the right to participate in the democratic life of the Union. **The Union recognises that freedom of information and active citizenship are fundamental for the legitimacy of its decisions and actions, wherefore it takes its decisions as openly and closely as possible to the citizen.**

2. The Union institutions shall, by ~~appropriate means~~ **plebiscites regarding legislation and popular referenda and consultation**¹ give citizens and representative associations the opportunity **to take part in the decision making process** and to make known and publicly exchange their opinions on all areas of Union action.

3. The Union recognizes and promotes the specific and autonomous role of social partners in the democratic life of the Union

3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations, **the social partners** and civil society.

Explanation (if any) :

¹ A system in which before a decision on an issue is taken the public is invited to react on the proposal. The proposal is also sent to all relevant NGOs, labour unions, industry, administrative bodies and so on. Then everybody's remarks are attached to the file with a summary of the main reactions in an executive briefing. In that way all interests in society have a more level playing field in affecting an issue.

FICHE AMENDEMENT

Proposta di emendamento all'articolo 34, parte I della Costituzione:

Déposée par Mme Anne VAN LANCKER
 M. Olivier DUHAMEL
 M. Caspar EINEM
 M. Ben FAYOT
 Mme Linda McAVAN
 M. Luis MARINHO
 Mme Pervenche BERÈS
 Mme Maria BERGER
 M. Carlos CARNERO
 Mme Elena PACIOTTI
 Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

Articolo 34 : Principio della democrazia partecipativa

1. Ogni cittadino ha il diritto di partecipare alla vita democratica dell'Unione.

Ibis. L'Unione europea riconosce la democrazia partecipativa come complemento alla democrazia rappresentativa e garantisce la partecipazione delle associazioni rappresentative della società civile, che rispettano i valori definiti all'articolo 2, alla vita democratica dell'Unione.

2. Le istituzioni dell'Unione danno ai cittadini, *alle persone residenti in uno Stato membro* e alle associazioni rappresentative attraverso gli opportuni canali, la possibilità di far conoscere e di scambiare pubblicamente le loro opinioni su tutti i settori di azione dell'Unione.

2bis Le istituzioni dell'Unione saranno aperte ai media e faciliteranno il loro lavoro nel pieno rispetto della loro indipendenza.

3. Le istituzioni dell'Unione mantengono un dialogo aperto, trasparente e costante con le associazioni rappresentative e la società civile.

3bis Le istituzioni dell'Unione definiscono procedure di informazione e di consultazione pe rendere possibile una partecipazione appropriata della associazioni della società civile a tutti gli stadi di elaborazione delle politiche dell'Unione, della preparazione, dell'attuazione e della valutazione.

Explication éventuelle:

FICHE AMENDEMENT

Proposition d'amendement : proposition d'un nouvel article 34

Déposée par Madame ou Monsieur : **M. Louis Michel, M. Karel de Gucht, M. Elio di Rupo, Mme Anne Van Lancker**, membres de la Convention et **M. Pierre Chevalier et Mme Marie Nagy**, membres suppléants de la Convention ainsi que par **Monsieur Patrick Dewael**, observateur

Qualité : - Membre - Suppléant

1. Tout citoyen a le droit de participer à la vie démocratique de l'Union.
2. **L'Union européenne reconnaît l'importance de la démocratie participative en complément de la démocratie représentative. Elle assure la participation à la vie démocratique de l'Union des associations représentatives de la société civile qui respectent ses valeurs.**
3. ~~Les institutions de L'Union~~, par les voies appropriées **tenant compte de la spécificité de ses missions**, donnent aux citoyens et aux associations représentatives la possibilité de faire connaître et d'échanger publiquement leurs opinions sur tous les domaines d'action de l'Union **et entretient avec eux un dialogue ouvert, transparent et régulier.**

~~Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.~~
4. **Des procédures d'information et de consultation sont mises en place en vue d'associer les associations représentatives de la société civile à l'élaboration, la mise en œuvre et l'évaluation des politiques.**

Explication éventuelle :

Il importe que l'Union reconnaisse la démocratie participative qui inclut non seulement la participation du citoyen individuel mais également la reconnaissance du rôle des organisations issues de la société civile qui respectent les valeurs de l'Union.

Le dialogue avec la société civile ne peut être limité aux institutions de l'Union au sens strict. L'instauration d'un dialogue est également utile entre la société civile et certains organes de l'Union (Observatoire contre le racisme...). Ce dialogue prendra évidemment des voies différentes selon les institutions ou les organes concernés.

AMENDMENT FORM

Suggestion for amendment of Article : 34

By Ms / Mr : **František Kroupa**

Status : - ~~Member~~ - Alternate

1. **European democracy is maintained through democratically elected representatives at all levels, and as close as possible to the citizens.** Every citizen shall have the right to participate in the democratic life of the Union.
 2. The Union institutions shall, ~~by appropriate means,~~ give citizens and ~~representative~~ associations **representing regional and local players and civil society** the opportunity to make known and publicly exchange their opinions on all areas of Union action, **by means of the appropriate consultation mechanisms.**
 3. The Union institutions shall maintain an open, transparent and regular dialogue with the ~~representative~~ associations **representing regional and local players** and civil society.
-

FICHE AMENDEMENT

Proposta di emendamento all'articolo 34, parte I della Costituzione:

Déposée par Mme Anne VAN LANCKER
 M. Olivier DUHAMEL
 M. Caspar EINEM
 M. Ben FAYOT
 M. Jürgen MEYER
 Mme Linda McAVAN
 M. Luis MARINHO
 Mme Pervenche BERÈS
 Mme Maria BERGER
 M. Carlos CARNERO
 Mme Elena PACIOTTI
 Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

ARTICOLO 34 bis – Parti sociali

L'Unione europea riconosce e promuove il coinvolgimento delle parti sociali nel governo economico e sociale dell'Europa, tenendo conto della diversità dei sistemi di nazionali relazioni industriali. L'UE promuove e sostiene il dialogo fra le Parti Sociali (Impresa e Lavoro), nel rispetto della loro autonomia.

Explication éventuelle:

FICHE AMENDEMENT

Proposition d'amendement : proposition d'un nouvel article 34 bis

Déposée par Madame ou Monsieur : M. Louis Michel, M. Karel de Gucht, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention ainsi que par Monsieur Patrick Dewael, observateur

Qualité : - Membre - Suppléant

Article 34 bis.

L'Union reconnaît et promeut l'implication des partenaires sociaux dans la gouvernance économique et sociale de l'Europe, en tenant compte de la diversité des systèmes nationaux de relations sociales.

L'Union promeut et soutient le dialogue social entre partenaires sociaux dans le respect de leur autonomie.

Explication éventuelle :

La spécificité du rôle des partenaires sociaux dans la démocratie participative doit être reconnue par la Constitution.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 34

Déposée par : Pervenche Berès, Alexandru Athanasiu, Josep Borell Fontenes, Carlos Carnero Gonzales, Olivier Duhamel, Constantin Ene, Ben Fayot, Jacques Floch, Luis Marinho, Jürgen Meyer, Hildegard Puwak et Adrian Severin

Qualité : - Membres et Suppléants

Article 34 : Principe d'une démocratie participative.

1. Tout citoyen a le droit de participer à la vie démocratique de l'Union.
2. Les institutions de l'Union donnent, par les voies appropriées, aux citoyens et aux associations représentatives la possibilité de faire connaître et d'échanger publiquement leurs opinions sur tous les domaines d'action de l'Union.
3. Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.
4. **En vue d'assurer la cohérence et la transparence des actions de l'Union, la Commission procède à de larges consultations précoces des parties concernées.**

Explication

Cet alinéa repose sur une conception plus forte et plus moderne de la démocratie participative et sur l'idée que l'acceptation des politiques par ses destinataires et par conséquent son efficacité est en relation directe avec leur participation à sa formulation.

AMENDMENT FORM

Suggestion for amendment of:

Part One of the Constitution, Title VI: The democratic life of the Union

Article 34: The principle of participatory democracy

By: BROK; SANTER; STYLIANIDIS; SZAJER; TAJANI; TEUFEL; VAN DER LINDEN; ALMEIDA GARRETT; ALONSO; AZEVEDO; BASILE; BREJC; CISNEROS; CUSHNAHAN; DEMETRIOU; DOLORES; FIGEL; FOGLER; FRENDO; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LEQUILLER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; WÜRMEILING; ZILE

on behalf of the EPP Convention Group

Status: Members and Alternates

Text of the Praesidium

Proposed Amendments

Article 34: The principle of participatory democracy

1. Every citizen shall have the right to participate in the democratic life of the Union.
2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.
3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

Article 34: The principle of participatory democracy

1. Every citizen shall have the right to participate in the democratic life of the Union.
2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.
3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

New 4. The EU recognizes and promotes the role of social partners in the Union, taking into account the diversity of national industrial relations systems. The EU facilitates social dialogue on the Union level between the social partners, respecting their autonomy.

Explanation:

New para 4: Relation between social partners is specifically mentioned in article 138/139 TEC and reference should be made to their specific role in a separate para of 34 in Part I.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article 34

Proposition d'amendement à la Partie I

Déposée par : Dominique de Villepin

Qualité : - Membre

Article 34 : Principe d'une démocratie participative.

1. Tout citoyen a le droit de participer à la vie démocratique de l'Union
 2. La démocratie participative repose sur le dialogue social et le dialogue civil dans lesquels les organes consultatifs de l'Union, les partenaires sociaux et les associations de la société civile jouent un rôle fondamental.
 - 2-3. Les institutions de l'Union donnent, par les voies appropriées, aux citoyens ~~et aux associations représentatives~~ et à la société civile, notamment dans le cadre d'associations, la possibilité d'être informés sur la vie démocratique de l'Union ~~de faire connaître~~ et d'échanger publiquement leurs opinions et, le cas échéant, leurs expertises, sur tous les domaines d'action de l'Union.
 3. Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.
-

Explication éventuelle :

-FICHE AMENDEMENT

Proposition d'amendement à l'Article 34, partie II de la Constitution:

Déposée par M. Giacomo FILIBECK

Qualité: - Observateur, President de la Convention des Jeunes

ARTICLE 34 – Principe d'une démocratie participative

1. Every citizen shall have the right to participate in the democratic life of the Union *and the decision making process within its institutions.*
 2. *The Union promotes active citizenship of all. It recognises the contribution of civil society to democracy in Europe. The Union encourages the participation of its citizens, in particular the young, in democratic associations.*
 3. ~~2.~~ The Union institutions shall *take appropriate measures to*, ~~by appropriate means,~~ *facilitate the expression of opinions and expertise through* ~~give citizens and~~ representative *non-governmental organisations* ~~associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.~~
 4. ~~3.~~ The Union institutions shall *guarantee* ~~maintain~~ an open, transparent, *structured and* regular dialogue with ~~representative associations and~~ *civil society through consultation with representative organisations and social partners.*
-

Explication éventuelle:

- The right to participation should not be limited to the rather vague notion of “democratic life” but include the democratic process of decision-making in the institutions.
- The Union needs to promote active citizenship as a value for the sustainability of the democratic order, underpinning the acceptance of European governance and the creation of social capital within a European polity.
- EU institutions should not merely grant the opportunity to make opinions known but rather actively support the expression of opinions and recognise the value of the expertise inherent in many non-governmental organisations (which are associations of citizens with specific interests and knowledge).

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 34

Déposéé par Monsieur : Antonio TAJANI

Qualité : Membre

ART. 34: Principio della democrazia partecipativa

1 Ogni cittadino ha il diritto di partecipare alla vita democratica dell'Unione.

2 L'Unione riconosce il contributo della società civile alla democrazia in Europa e promuove la partecipazione dei cittadini, in particolare dei giovani, alla vita democratica dell'Unione.

3 Le istituzioni dell'Unione danno ai cittadini e alle associazioni rappresentative attraverso gli opportuni canali, la possibilità di far conoscere e di scambiare pubblicamente le loro opinioni su tutti i settori di azione dell'Unione.

4 Le istituzioni dell'Unione mantengono un dialogo aperto, trasparente e costante con le associazioni rappresentative e la società civile.

Explication éventuelle:

L'Unione si deve fondare sul principio di "sussidiarietà orizzontale" e deve pertanto riconoscere esplicitamente l'insostituibile contributo della società civile.

L'Unione deve promuovere attivamente la partecipazione dei cittadini (e non solo riconoscerne il diritto) alla propria vita democratica. In particolare, deve essere fatta menzione delle giovani generazioni, le quali dovranno essere messe in condizione di acquisire una piena consapevolezza della nuova cittadinanza europea.

AMENDMENT FORM

Suggestion for amendment of Article : 34

By Mr : Joschka Fischer

Status : - Member

Artikel 34: Grundsatz der partizipatorischen Demokratie

(1) Jedes Handeln der Union geht von den Unionsbürgern und den Mitgliedstaaten aus.

Jeder Bürger hat das Recht, am demokratischen Leben der Union teilzunehmen.

(2) Die Organe der Union geben den Bürgern und den repräsentativen Verbänden wie den Sozialpartnern in geeigneter Weise die Möglichkeit, ihre Ansichten zu allen Bereichen des Handelns der Union öffentlich bekannt zu geben und auszutauschen.

(3) Die Organe der Union pflegen einen offenen, transparenten und regelmäßigen Dialog mit den repräsentativen Verbänden und der Zivilgesellschaft. Sie unterstützen den autonomen Dialog zwischen den Sozialpartnern.

Explanation:

Absatz 1 sollte das Demokratieprinzip, das den Verfassungstraditionen aller Mitgliedstaaten gemeinsam ist, umfassend verankern. Seine Festschreibung würde dem häufig erhobenen Vorwurf entgegenwirken, die Union leide an einem Demokratiedefizit. Da die demokratische Legitimation des Handelns der Union sich zum einen auf die den Rat bildenden nationalen Regierungen und damit auf die Mitgliedstaaten, zum anderen auf die Unionsbürger stützt, sollten beide Aspekte deutlich hervorgehoben werden.

Ausdrückliche Nennung der Sozialpartner entspricht dem Ergebnis der Konventsdiskussion über den Abschlussbericht der AG XI.

AMENDMENT FORM

Suggestion for amendment of Article : 34

Suggestion for Part III

**By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn**

Status : Members Alternate

1. ~~Every citizen~~ Citizens of the Union, organised or otherwise, shall have the right to participate in the democratic life of the Union.

2. ~~The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.~~

3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society and citizens of the Union, organised or otherwise.

Explanation (if any) : As to paragraphs 1 and 3, the participation in the democratic life and the dialogue with the Unions institutions should be open to literally everyone.

As to the second paragraph, it is unclear what this paragraph implies or can imply when interpreted by the Court.

AMENDMENT FORM

Suggestion for amendment of Article 34

By Mr Göran Lenmarker

Status : Member

Article 34: The principle of ~~participatory democracy~~ democratic involvement¹

1. Every citizen shall have the right to participate in the democratic life of the Union.
2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.
3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

¹ Democracy as such cannot be qualified; thus, I object to the term “participatory democracy”

AMENDMENT FORM

Suggestion for amendment of Article : 34

Suggestion for protocol :

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member ~~Alternate~~

Artikel 34: Grundsatz der partizipatorischen Demokratie

(1) ~~Jeder Bürger hat das Recht, am demokratischen Leben der Union teilzunehmen. Die Bürgerinnen und Bürger nehmen insbesondere über Wahlen zum Europäischen Parlament und Europäische Volksabstimmungen am demokratischen Leben der Union teil. Die näheren Bestimmungen hierzu werden durch einen Organakt geregelt, der von dem Europäischen Parlament und dem Rat im Gesetzgebungsverfahren erlassen wird.~~

(2) Die Organe der Union geben den **Bürgerinnen und** Bürgern ~~und den repräsentativen Verbänden in geeigneter Weise~~ die Möglichkeit, ihre Ansichten zu allen Bereichen des Handelns der Union öffentlich bekannt zu geben und auszutauschen.

(3) Die Organe der Union ~~pfliegen~~ **gewährleisten** einen offenen, transparenten, ~~und~~ regelmäßigen **und strukturierten** Dialog mit den ~~repräsentativen Verbänden und~~ der **organisierten** Zivilgesellschaft.

(4) **Die Organe der Union anerkennen die Rolle der Europäischen Sozialpartner und unterstützen den Dialog zwischen den Sozialpartnern, dessen Autonomie sie respektieren.**

Explanation (if any) :

Absatz 1:

Das "demokratische Leben in der Union" ist keine vorkonstitutionelle Erscheinung. Es ist deshalb nicht ausreichend, wenn die Verfassung lediglich ein Teilnahmerecht deklariert, sie muss vielmehr den Inhalt des demokratischen Lebens in der Union definieren. Das demokratische Leben in der U-

nion umfasst bereits jetzt in erster Linie die Teilnahme der Bürgerinnen und Bürger an Wahlen. Sie sollte unbedingt um Elemente der direkten Demokratie ergänzt werden.

Absatz 4:

Entgegen der Auffassung des Präsidiums ist der soziale Dialog als essentieller Bestandteil des demokratischen Lebens der Union ausdrücklich in Teil I der Verfassung zu verankern. Dies ist zudem Ergebnis der Arbeitsgruppe "Soziales Europa".

AMENDMENT FORM

Suggestion for amendment of Article : 34

By Ms / Mr : J. Kohout

Status : - Member

Art. 34.2 delete « by appropriate means »

Art. 34.4 Insert :

« The EU recognises and promotes the involvement of social partners in Europe's economic and social governance, taking into account the diversity of national industrial relations systems. The EU promotes and supports social dialogue between the social partners respecting their autonomy. »

Explanation (if any) :

(34.4)

The Title VI should reflect results of the WG XI – Social Europe.

AMENDMENT FORM

Suggestion for amendment of Article : 34

By Mr Kimmo Kiljunen

Status: - Member

Article 34: The principle of participatory democracy

1. Every citizen shall have the right to participate in the democratic life of the Union.
2. The Union institutions shall, by appropriate means, give citizens, **civil society, regional and local actors** and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.
3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations, **regional and local actors** and civil society.

Explanation:

-

FICHE AMENDEMENT

Proposition d'amendement à l'Article 34bis, partie I de la Constitution:

Déposée par Mme Anne VAN LANCKER
 M. Olivier DUHAMEL
 M. Caspar EINEM
 M. Ben FAYOT
 M. Jürgen MEYER
 Mme Linda McAVAN
 M. Luis MARINHO
 Mme Pervenche BERÈS
 Mme Maria BERGER
 M. Carlos CARNERO
 Mme Elena PACIOTTI
 Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

ARTICLE 34bis – Social partners

The European Union recognises and promotes the involvement of social partners in Europe's economic and social governance, taking into account the diversity of national industrial relations systems. The EU promotes and supports social dialogue between the Social Partners (Management and Labour), respecting their autonomy.

Explication éventuelle:

FICHE AMENDEMENT

Proposition d'amendement à l'Article 34, partie I de la Constitution:

Déposée par Mme Elena PACIOTTI

Qualité: - Suppléante

ARTICLE 34 – Principe d'une démocratie participative

1. Tout citoyen a le droit de participer à la vie démocratique de l'Union.
 - 1bis L'Union européenne reconnaît la démocratie participative comme complément à la démocratie représentative et garantit la participation des associations représentatives de la société civile, qui respectent les valeurs visées à l'article 2, à la vie démocratique de l'Union.**
 2. Les institutions de l'Union donnent, par les voies appropriées, aux citoyens, **aux personnes résidentes dans un Etat membre** et aux associations représentatives la possibilité de faire connaître et d'échanger publiquement leurs opinions sur tous les domaines d'action de l'Union. **L'Union encourage la participation de ses citoyens, notamment des jeunes, dans des associations démocratiques.**
 - 2bis The Union institutions shall be open to the media and facilitate their work while fully respecting their independence.**
 3. Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.
 - 3bis Les institutions de l'Union mettent en place des procédures d'information et de consultation afin de rendre possible une participation appropriée des associations de la société civile dans tous les stades de l'élaboration des politiques de l'Union, la préparation, l'implémentation et l'évaluation.**
-

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article :34 (part 3)

Suggestion for protocol :

By Mr David Heathcoat-Amory, Mr Bonde

Status :X - Member - Alternate

N.B. ‘()’ denote text deleted ‘ _____ ’denotes text added

Article 34: The principle of participatory democracy
(DELETE ALL)

REPLACE WITH: **It shall be a principle of the Union that, wherever possible, decisions are taken and powers exercised at the lowest possible level. This shall entail, where necessary, restoration of powers to national parliaments.**

Explanation (if any) :

The original text is flawed.

Section One takes away the rights previously held at a national level to determine the franchise – for instance, in cases where national law removes the vote from convicted criminals. Further, reference to the “Union” is vague: does the text refer to the Union’s institutions, or the Union as a whole, including its component states and their institutions as subject to Community law?

Sections Two and Three, on the other hand, replace the established and normal interaction of the democratic process, with an open-ended system whereby the Union will select groups with whom it will have a privileged dialogue.

The amendment above is an attempt to return to the Laeken mandate, which requires the EU to get closer to its citizens – because, to quote Laeken, “What they expect is more results, better responses to practical issues and not a European superstate or European institutions inveigling their way into every nook and cranny of life.” Laeken anticipates that powers be restored to national control.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 34, partie I de la Constitution:

Déposée par Mme Anne VAN LANCKER
M. Olivier DUHAMEL
M. Caspar EINEM
M. Ben FAYOT
Mme Linda McAVAN
M. Luis MARINHO
Mme Pervenche BERÈS
Mme Maria BERGER
M. Carlos CARNERO
Mme Elena PACIOTTI
Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

ARTICLE 34 – Principe d'une démocratie participative

1. Tout citoyen a le droit de participer à la vie démocratique de l'Union.
 - 1bis L'Union européenne reconnaît la démocratie participative comme complément à la démocratie représentative et garantit la participation des associations représentatives de la société civile, qui respectent les valeurs visées à l'article 2, à la vie démocratique de l'Union.**
 2. Les institutions de l'Union donnent, par les voies appropriées, aux citoyens, **aux personnes résidentes dans un Etat membre** et aux associations représentatives la possibilité de faire connaître et d'échanger publiquement leurs opinions sur tous les domaines d'action de l'Union.
 - 2bis The Union institutions shall be open to the media and facilitate their work while fully respecting their independence.**
 3. Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.
 - 3bis Les institutions de l'Union mettent en place des procédures d'information et de consultation afin de rendre possible une participation appropriée des associations de la société civile dans tous les stades de l'élaboration des politiques de l'Union, la préparation, l'implémentation et l'évaluation.**
-

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article 34 bis:

By Mr Georges Jacobs - UNICE

Status: observer

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
	<p><u>Article 34 bis: Role of social partners</u></p> <p>The EU recognises and promotes the involvement of social partners in Europe's economic and social governance, taking into account the diversity of national industrial relations systems. The EU promotes and supports social dialogue between the social partners (management and labour), respecting their autonomy.</p>

Explanation:

UNICE is of the strong opinion that the role of Social Partners and Social Dialogue, as a unique form of participative democracy, must be singled out and mentioned specifically in Title VI of the Treaty as suggested in the joint contribution of Messrs Gabaglio and Jacobs of 14 January 2002.

FICHE AMENDEMENT

Proposition d'amendement après l'Article 34, Partie I de la Constitution

Déposée par M. Jacques FLOCH, Membre suppléant

Insérer après l'Article 34,

Article 34 bis : Les partenaires sociaux

Les partenaires sociaux jouent un rôle majeur et spécifique dans le cadre de la politique sociale menée par l'Union et ses Etats membres et tiennent une place centrale dans le dialogue social en Europe.

L'Union et ses institutions soutiennent et promeuvent l'implication des partenaires sociaux dans la gouvernance économique et sociale.

Explication éventuelle :

Le rôle des partenaires sociaux doit être reconnu dans le partie constitutionnelle du traité en plus des dispositions relevant des politiques.

Leur rôle est parfaitement distinct de celui tenu par la société civile et doit donc être reconnu en tant que tel.

AMENDMENT FORM

Suggestion for amendment of Article : 34(2)

By Mr. Frans Timmermans

Status : Member of the European Convention

The Union institutions, agencies and bodies shall, by appropriate means, give citizens, natural or legal persons residing in a member state, ~~and~~ representative associations and civil society the opportunity to make known and publicly exchange their opinions on all areas of Union action.

Explanation:

It is important that the Union's agencies and bodies also participate in this part of the Union's democratic life. Furthermore, as I explained in my amendment of article 33, there is no need to limit the provisions in this article to the Union's citizens, therefore excluding persons naturally or legally residing in a Member State. In order to refrain from a discussion about the degree to which an organisation is "representative" it is important that civil society is included in this provision. This is in line with the wording used in article 34(3).

AMENDMENT FORM

Suggestion for amendment of Article 34 (title VI, part I of the Treaty)

By Mr Poul Schlüter

Status: Alternate

Article 34: The principle of participatory democracy

1. Every citizen shall have the right to participate in the democratic life of the Union.
2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.

3. The Union recognizes the important contribution of the national parliaments to the democratic life of the Union.

~~3.4.~~ The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

Explanation:

The important contribution of the national parliaments to the democratic life of the Union must be reflected in a Treaty title on the democratic life of the Union. It would send an important signal to the citizens that the national parliaments play an important role at the European level.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Artigo 34.º, novo

Déposée par Monsieur Luís Queiró

Qualité : Suppléant

1. A actuação das Instituições da União assenta nos princípios do diálogo e do respeito mútuo, na sua relação com as organizações representativas dos diversos interesses de carácter económico, social, cultural ou religioso nos Estados membros ou na União.

2. Salvo razões de urgência devidamente fundamentadas, a iniciativa e actuação legislativa e decisória das Instituições da União deve ser precedida das consultas públicas e outras formas de diálogo com as organizações referidas no número anterior.

Explication éventuelle :

Não parece que deva ser o Tratado a pré-definir o modelo de democracia participativa, por contraposição ao modelo de democracia representativa, por exemplo. Aliás, os dois modelos, a não ser como tipos ideais, não se excluem mutuamente.

O n.º 1 é redundante. O direito de participar na vida democrática dos Estados membros e da União resulta igualmente dos princípios iniciais do Tratado, nomeadamente dos artigos 2.º, 5.º (e da Carta dos Direitos Fundamentais) e 7.º (Cidadania). Proponho a sua eliminação.

O n.º 2 peca igualmente, entre outras coisas, pela indeterminação dos destinatários, traduzindo mais uma afirmação política – louvável – do que uma norma jurídica. O direito de os cidadãos expressarem a sua opinião resulta dos princípios fundamentais já referidos, aparecendo explicitamente na Carta dos Direitos Fundamentais. O que se entende por associações representativas? De cidadãos? São os partidos políticos, as ONGs, as associações de interesses (grupos de interesse, associações de consumidores, associações profissionais, etc). Parece que a redacção é demasiado ampla e vaga, não se afigurando igualmente necessária para a consecução dos objectivos de transparência e participação que a União terá de respeitar.

O n.º 3 assume a existência de uma sociedade civil «europeia» (?) É conceito discutível já antevisto na revisão de Nice (v. artigo 257.º CE). Aqui fala-se de um diálogo com «organizações representativas», conceito diverso do constante do n.º 2, que fala em «associações representativas».

No actual tratado CE, em matéria de política social, prevê-se a consulta, pela Comissão, dos parceiros sociais (artigo 138.º).

Propõe-se uma nova redacção que utiliza uma formulação que aproximará o texto do artigo 257.º, relativo ao Comité Económico e Social, mas respeitando melhor a diversidade social e cultural entre os Estados membros, no seio da União.

AMENDMENT FORM

Suggestion for amendment of Article 34

By Mr : Józef Oleksy

Status : Member

para 3. The Union institutions shall ~~maintain~~ **ensure** an open, transparent, ~~and~~ regular **and structured** dialogue with representative associations and civil society

Explanation (if any) :

An important element of a participatory democracy is not solely the existence of a civic dialogue but the fact that such a dialogue is structured and thus predictable.

AMENDMENT FORM

Suggestion for amendment of Article 34:

By Mr Georges Jacobs - UNICE

Status: observer

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<p><u>Article 34: The principle of participatory democracy</u></p> <ol style="list-style-type: none">1. Every citizen shall have the right to participate in the democratic life of the Union.2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.	<p><u>Article 34: The principle of participatory democracy</u></p> <ol style="list-style-type: none">1. Every citizen shall have the right to participate in the democratic life of the Union.2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and organised civil society.

Explanation:

The drafting of paragraph 3 as proposed to the Praesidium is unclear as it seems to oppose representative associations and civil society. UNICE suggests that in paragraph 3 the reference is made to organised civil society. This paragraph has to be read in the light of sub-paragraph 2 which deals specifically with representative associations.

In this context, UNICE in a position paper of 17 June 2002 has expressly proposed criteria for representativeness of organisations, which are as follows :

- composed of members mandated to act at European level;
- representative in the great majority of Member States of the European Union;
- representative of collective interests;
- composed of organisations which are regarded at their respective national levels as representative of the interests they defend;

- **capable of justifying their actions to their members;**
- **composed of members who join voluntarily, at both national and European level;**
- **demonstrably independent of the public authorities, at both national and European level, in terms of financial resources;**
- **based on a well-resourced structure which allows constituents to be consulted rapidly and efficiently;**
- **able to call on the knowledge of its members in order to guarantee a certain level of expertise.**

AMENDMENT FORM

Suggestion for amendment of Article : 34

~~Suggestion for Part III~~

By ~~Ms~~/ Mr : Hain

Status : - Member - ~~Alternate~~

1. Every citizen of the Union shall have the right to participate in the democratic life of the Union.
 2. *Okay.*
 3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations, including those of local and regional government, and civil society.
-

Explanation (if any) :

On paragraph 1, we have again made clear that this right extends only to citizens of the Union – this is particularly important in this Article as it is conferring a right. To paragraph 3, we have added the importance of maintaining dialogue with the regions.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 34

Déposée par Madame ou Monsieur : Gianfranco FINI

Qualité : - Membre

1. Ogni cittadino **dell'Unione** ha il diritto di partecipare alla vita democratica dell'Unione.
 2. **L'Unione riconosce il contributo della società civile alla democrazia in Europa**
 3. Le istituzioni dell'Unione **facilitano l'espressione pubblica e lo scambio di opinioni da parte dei cittadini dell'Unione e delle associazioni che li rappresentano** ~~danno ai cittadini e alle associazioni rappresentative attraverso gli opportuni canali, la possibilità di far conoscere e di scambiare pubblicamente le loro opinioni~~ su tutti i settori di azione dell'Unione.
 4. Le istituzioni dell'Unione mantengono un dialogo aperto, trasparente e costante con le associazioni rappresentative e la società civile.
-

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : Art 34

Suggestion for Part III

By Ms / Mr : Mr Bonde, Mr Zahradil

Status : X- Member - Alternate

Article 34: The principle of participatory democracy

1. Every citizen shall have the right to participate in the democratic life of the Union. **FREE ACCESS TO THE UNION'S LEGISLATION AND DECISION MAKING PROCESS SHALL BE PROVIDED ON THE INTERNET.**
2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action. **LOBBYISTS SHALL HAVE ACCESS TO THE EU-INSTITUTIONS, AS LONG AS THEY ARE PUBLICLY REGISTERED AND DECLAIR THEIR SOURCE OF REVENUE.**
3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations, and civil society, **BASED ON TRANSPARENCY AND OPENNESS IN THE UNION'S DECISION MAKING PROCESS.**
4. **THE UNION RECOGNISES AND PROMOTES THE INVOLVEMENT OF SOCIAL PARTNERS IN EUROPE'S ECONOMIC AND SOCIAL GOVERNANCE. THE UNION SUPPORTS SOCIAL DIALOGUE BETWEEN THE SOCIAL PARTNERS (MANAGEMENT AND LABOUR), RESPECTING THEIR AUTONOMY AND TAKING INTO ACCOUNT THE DIVERSITY OF NATIONAL INDUSTRIAL RELATIONS SYSTEMS.**

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 34

Déposée par Madame ou Monsieur :

Maria Eduarda Azevedo (membre)
António Nazaré Pereira (suppléant)

Article 34

1. (...)
 2. (...)
 3. Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives **de la** société civile.
-

Explication:

L'expression "société civile" a différentes significations, et peut ainsi inclure toutes les associations non militaires ou non gouvernementales. Par conséquent, la remarque n° 3 est dénuée de sens. D'ailleurs, dans la rédaction présentée par le Praesidium, nous ne comprenons pas qui est représenté par les "associations représentatives".

AMENDMENT FORM

Suggestion for amendment of Article 34

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Kenneth Kvist and Mr Ingvar Svensson, national parliament representatives.

Status : - Member: Hjelm-Wallén and Lekberg
 - Alternate: Petersson, Kvist and Svensson

Article 34: The principle of participatory democracy

1. Every citizen shall have the right to participate in the democratic life of the Union. **The principle of participatory democracy shall be respected at Union, state, regional and local level.**
2. The Union institutions shall, by appropriate means, give citizens ~~and representative associations~~¹ the opportunity to make known and publicly exchange their opinions on all areas of Union action.
3. The Union institutions shall **promote and**² maintain an open, transparent and regular dialogue with ~~representative~~³ associations and civil society. **In particular, the Commission shall when preparing legislative initiatives undertake extensive consultations with interested parties to secure democracy, proportionality, consistency and transparency.**⁴

¹ The active participation in the participatory democracy should focus on the citizens. The rights and importance of organisations are covered by article 34.3.

² To underline the importance and ambitious undertaking in this article.

³ An unnecessary specification. All associations are by definition representative for their members

⁴ This general principle of consultation with interested parties should be codified in this Article or under a Title dealing with the Institutions.

AMENDMENT FORM

Title VI: The democratic life of the Union

Suggestion for amendment of Article : 34

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Dimitrij Rupel, Mr Alain Lamassoure, Mr Matti Vanhanen, Mr Peeter Kreitzberg, Mr Algirdas Gričius, Mr Puiu Hasotti, Mr Jelko Kacin, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; and Alternate Members: Ms Lone Dybkjaer, Mr Valdo Spini, Mr Willem Van Eekelen, Lord MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Ibrahim Ozal and Mr Gintautas Sivickas.

Status : Members and alternate members

Article 34: *European democracy*

1. Every citizen *is encouraged to participate in the democratic life of the Union. Citizens are directly represented in the European Parliament. Member State governments are represented in the European Council and Council, and are themselves accountable to national parliaments.*
 2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action. *Decisions shall be taken as openly as possible and as closely as possible to the citizen.*
 3. *The Union shall respect and foster the autonomy of regional and local government. Regions and local authorities are consulted in the Committee of the Regions.*
 4. *The Union recognises and promotes the involvement of the social partners, management and labour, in economic and social governance. Representatives of civil and economic society are consulted in the Economic and Social Committee.*
 5. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations, *the social partners* and civil society.
-

Explanation:

We propose a change in the title to reflect the (amended) broader content of the article. The Praesidium's draft was too much concerned with only one aspect of democracy -

'participatory' - when in fact the Union is founded mainly on the principle of representative democracy. The citizen would not be much the wiser about how the Union is run if presented by the Constitution with only one, narrow definition of democracy.

1. What is the meaning of the Praesidium's statement that "Every citizen shall have the right to participate in the democratic life of the Union"? If it means that citizens may vote and stand for election at European Parliamentary and municipal level, it is less clear than Articles 39 and 40 of the Charter, which state the same thing.

Or is it in fact a new fundamental right? If so, why is it not in the Charter?

However, if we mean merely that citizens should be encouraged to become engaged in representative democracy and civil society at a European level, we should say so. We should also tell them how they find themselves represented and consulted through the official institutions and organs of the Union.

2. We add as a second sentence the attractive phrases from Article 1 TEU. The principle of transparency is properly coupled with that of proximity.

We move old paragraph 3 to the end of the article.

3. We propose the addition of a straightforward appreciation of the importance of regional and local government, and, in the second sentence, a reference to the consultative role of the Committee of the Regions.

4. The important, formal role of the social partners should be acknowledged here in the Constitution. To reflect the above reference to the Committee of the Regions, we also refer here to the Economic and Social Committee.

New paragraph 5 (old paragraph 3) completes the article with a summary of how the Union treats its interlocutors, with the necessary addition of the social partners.

AMENDMENT FORM

Suggestion for amendment of Article 34: The principle of participatory democracy

By Mr Juraj Migaš (Slovakia)

Status : Alternate

1. Every citizen shall have the right to participate in the democratic life of the Union.
2. The Union institutions shall, ~~by appropriate means,~~ give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.
3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : New Article 34a

Suggestion for Part III

By Mr :Emilio GABAGLIO

Status : Observer

TITLE VI

Amendment : new Article 34a

INSERT A NEW ARTICLE:

« Article 34a

The social partners in the democratic life of the Union

The Union recognises and promotes the role of the social partners in particular through consultation and concertation, and supports the social dialogue of the European social partners including co-regulation, respecting their autonomy and trade union rights. »

Explanation (if any) :

This new article on the role of social partners (employers' organisations and trade unions) is based on the main elements of the conclusions of Working Group XI (Social Europe – role of the social partners) and the « Joint contribution by the social partners' representatives in the Convention on this point. The reference to trade union rights includes transnational trade union rights.

These principles, taking into account the diversity of national industrial relations, will have to be specified in Part Two of the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : 34 para. 3

Suggestion for Part III

By Mr :Emilio GABAGLIO

Status : Observer

TITLE VI

Amendment : 34 para 3

REPLACE IN PARA 3 THE WORDS:

~~Regular~~ by “structured”

~~Associations and~~ by “organised”

Explanation (if any) :

The concept of organised civil society ensures that representativity is taken into account

AMENDMENT FORM

Suggestion for amendment of Article : 34 para. 2

Suggestion for Part III

By Mr :Emilio GABAGLIO

Status : Observer

TITLE VI

Amendment : 34 para 2

REPLACE PARA 2 AS FOLLOWS :

« The Union promotes the active citizenship of all. It recognises the contribution of organised civil society to democracy in Europe. The Union encourages the participation of its citizens, and in particular, the young, in democratic associations » .

Explanation (if any) :

It is important to indicate a more pro-active approach of the involvement of citizens in the democratic process.

AMENDMENT FORM

Suggestion for amendment of Article: 34a

Suggestion for Part III

By Mr : M Caspar EINEM

Status : Member

By Ms : Maria BERGER

Status : Alternate

Article 34a: Direct Democracy/European Citizens' Legislation

- 1) Citizens of Europe have the right to participate in the legislative activity of the European Union by means of the European Citizens' Initiative, the European Citizens' Demand and the European Citizens' Referendum.**
- 2) If 0,1% of the European citizens entitled to vote sign a European Citizens' Initiative, and no more than half of the signatures come from a single member state, the initiators of the initiative have a right to have their initiative debated in the relevant organs of the European Union.**
- 3) If 1% of the European citizens entitled to vote representing at least 1,5% of the population in at least one-third of the Member States, give their signatures to a European Citizens' Demand within 1 year, a European Citizens' Referendum will be held on the subject of the Citizens' Demand, unless the relevant organs of the European Union adopted the Demand unchanged.**
- 4) Any fundamental changes of the constitution decided on by the relevant organs of the European Union must be submitted for approval by the citizens of Europe in a referendum.**

- 5) **A European Citizens' Referendum is accepted if the majority of those voting were in favour and a majority was also in favour in more than half of the member states. For changes to the constitution, there must be a majority in at least half of the states representing two-thirds of the population of the Union.**

- 6) **Further provisions that also regulate a fair and balanced dissemination of information to the public through an elected referendum commission and an information leaflet to all households are to be laid down in an European law.**

Explanation (if any) : Der Weg der Union hin zu einer doppelten Legitimation durch die Mitgliedstaaten einerseits und durch die Bürgerinnen und Bürger der Union andererseits ist bereits mit der Schaffung eines direkt gewählten Parlaments eingeschlagen worden. Er soll nun durch direkt demokratische Instrumente ergänzt und weiter entwickelt werden.

AMENDMENT FORM

Suggestion for amendment of Article Article 34: The principle of participatory democracy

Suggestion forepart III

By Mr : M Caspar EINEM

Status : Member

Article 34: The principle of participatory democracy

1. Every citizen shall have the right to participate in the democratic life of the Union
2. **Every citizen residing in a Member State of which he is not a national may vote and may stand as candidate at municipal and European elections in his place of residence under the same conditions as nationals of that Member State. The precise scope of these rights shall be laid down in an European Law.**
3. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.

The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. **The European Parliament and the Legislative Council shall, in accordance with the legislative procedure, lay down the conditions and the timeframe along which the Commission shall proceed before presenting the draft of an European Law or an European Framework Law . The European Parliament and the European Council shall receive any statement during this Review Procedure.**

Explanation (if any) :

ad (3): cp.: Speech of Mr. Caspar Einem with reference to CONV 54/02 on Mai 23th 2002

FICHE AMENDEMENT

Proposition d'amendement à l'Article 34

Déposée par MM. Haenel, membre titulaire, et Badinter, membre suppléant

Article 34 : Principe d'une démocratie participative.

1. Tout citoyen a le droit de participer à la, vie démocratique de l'Union.
2. Les institutions de l'Union donnent, par les voies appropriées, aux citoyens et aux associations représentatives la possibilité de faire connaître et d'échanger publiquement leurs opinions sur tous les domaines d'action de l'Union.
- ~~3. Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.~~

Explication éventuelle :

Le concept de société civile n'a jamais fait l'objet d'une définition juridique, notamment constitutionnelle.

AMENDMENT FORM

Suggestion for amendment of Article : 34, Title VI

By Mr : Henrik Hololei

Status : Alternate

Article 34 : The principle of participatory democracy

1. Every **Union** citizen shall have the right to participate in the democratic life of the Union.
2. The Union institutions shall, by appropriate means, give citizens and representative associations, the opportunity to make known and publicly exchange their opinions on all areas of Union action.
3. The Union institutions shall ~~maintain~~ **ensure** an open, transparent and regular dialogue with representative associations and civil society.

Explanation (if any) :

The term “Union citizen” instead of “citizen” should be used in this Title and throughout the Constitutional Treaty. The present using of these terms is not consistent and therefore confusing.

AMENDMENT FORM

Suggestion for amendment of Article : 34

By **Mr Hannes FARNLEITNER**
Mr Reinhard Eugen BÖSCH

Mr Gerhard TUSEK
Mr Eduard MAINONI

Status : - Members

- Alternate Members

Article 34: The principles of representative and participatory democracy

1. Every citizen of the Union shall have the right to vote and stand as a candidate in elections to the European Parliament.
 2. Every citizen of the Union shall have the right to participate in the democratic life of the Union.
 3. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.
 4. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
-

Explanation (if any) :

The democratic life of the Union is to be characterized by elements of representative as well as participatory democracy.

Without mentioning the right of every citizen of the Union to vote and stand as a candidate in the elections to the European Parliament the article would remain incomplete.

AMENDMENT FORM

Title VI: The democratic life of the Union

Suggestion for amendment of Article : 34

By alternate Member: Ms Lone Dybkjaer

Article 34: *European democracy*

1. Every citizen is *encouraged to participate in the democratic life of the Union in order to achieve a balanced representation of women and men. Citizens are directly represented in the European Parliament. Member State governments are represented in the European Council and Council, and are themselves accountable to national parliaments.*
2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action. *Decisions shall be taken as openly as possible and as closely as possible to the citizen.*
3. *The Union shall respect and foster the autonomy of regional and local government. Regions and local authorities are consulted in the Committee of the Regions.*
4. *The Union recognises and promotes the involvement of the social partners, management and labour, in economic and social governance. Representatives of civil and economic society are consulted in the Economic and Social Committee.*
5. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations, *the social partners* and civil society.

Explanation:

Equality, openness and involvement of all levels of society should be the core foundation of European democracy.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 34

Déposée par Madame : Cristiana MUSCARDINI

Qualité : Membre

Art. 34

2. Le istituzioni dell'Unione danno ai cittadini e alle associazioni, **riconosciute a livello nazionale ed europeo**, attraverso canali **definiti**, la possibilità di far conoscere e di scambiare pubblicamente le loro opinioni **sulle azioni dell'Unione nei settori di loro competenza**.

3. Le istituzioni dell'Unione mantengono un dialogo aperto, trasparente e costante con le associazioni **riconosciute a livello nazionale ed europeo** e la società civile, **migliorando, nei singoli Stati membri, l'informazione sulle istituzioni e le attività dell'Unione**.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article:
partizipatorischen Demokratie

Artikel 34: Grundsatz der

Déposée par Monsieur: Joachim Wuermeling

Qualité: Suppléant

<i>Texte du Praesidium</i>	<i>Amendement proposé</i>
(1) Jeder Bürger hat das Recht, am demokratischen Leben der Union teilzunehmen.	(1) Jeder Bürger hat das Recht, am demokratischen Leben der Union teilzunehmen.
(2) Die Organe der Union geben den Bürgern und den repräsentativen Verbänden in geeigneter Weise die Möglichkeit, ihre Ansichten zu allen Bereichen des Handelns der Union öffentlich bekannt zu geben und auszutauschen.	(2) Die Organe der Union geben den Bürgern und den repräsentativen Verbänden in geeigneter Weise die Möglichkeit, ihre Ansichten zu allen Bereichen des Handelns der Union öffentlich bekannt zu geben und auszutauschen.
(3) Die Organe der Union pflegen einen offenen, transparenten und regelmäßigen Dialog mit den repräsentativen Verbänden und der Zivilgesellschaft.	(3) Die Organe der Union pflegen einen offenen, transparenten und regelmäßigen Dialog mit der <u>Zivilgesellschaft, insbesondere mit den repräsentativen Verbänden.</u>

Begründung:

Die in Art. 34 Abs. 2, Abs. 3 genannten Verbände sind nicht repräsentativ. Verbände und Vereinigungen, die unter dem Oberbegriff „Zivilgesellschaft“ zusammengefasst werden, vertreten Einzelinteressen. Ihre Meinungsäußerungen und interne Willenbildung findet ausserhalb der demokratischen Kontrolle durch die Bürger statt, die auf europäischer bzw. nationaler Ebene durch Wahlen, bzw teilweise Abstimmungen wahrgenommen wird.

Ergänzend wird darauf hingewiesen, dass der in Abs. 3 vorgeschlagene Dialog mit der Zivilgesellschaft“ nur informeller Art sein kann. Sonst würde die politische Verantwortung der zur Vertretung der Bürger demokratisch legitimierten und kontrollierten Parlamente und Regierungen, sowie der EU-Organe, u.a. des Ausschusses der Regionen beeinträchtigt. Abs. 3 ist deshalb eigentlich entbehrlich.

Anders verhält es sich bei den Regionen, die über demokratisch legitimierte und

kontrollierte Regierungen verfügen. Deshalb sollte in dem Verfassungvertrag an geeigneter Stelle bestimmt werden, dass die Regionen zu einem frühen Zeitpunkt des Gesetzgebungsverfahrens konsultiert werden, damit insbesondere die Folgen gemeinschaftlicher Regelungen und ihre Vereinbarkeit mit der Kompetenzordnung besser abgeschätzt werden können.

AMENDMENT FORM

Suggestion for amendment of Article : 34 doc

Suggestion for Part III

By Ms / Mr : Voggenhuber, Wagener, MacCormick, Lichtenberger, Nagy,

Status : - Member - Alternate

Article 34: The principle of participatory democracy

1. Every ~~citizen~~ **person** shall have the right to participate in the democratic life of the Union. **The Union recognises that freedom of information and active citizenship are fundamental for the legitimacy of its decisions and actions, wherefore it takes its decisions as openly and closely as possible to the citizen.**

2. The Union institutions shall, by ~~appropriate means~~ **plebiscites regarding legislation and popular referenda** give citizens and representative associations the opportunity **to take part in the decision making process** and to make known and publicly exchange their opinions on all areas of Union action.

3. The Union recognizes and promotes the specific and autonomous role of social partners in the democratic life of the Union

3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations, **the social partners** and civil society.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article: 34 (4)

By Mr Henrik Dam KRISTENSEN, Mrs. Lena HJELM-WALLÉN, Mr. Sören LEKBERG, Mr. Kimmo KILJUNEN, members of the Convention, and Mrs. Helle THORNING-SCHMIDT, alternate member of the Convention

Add to article 34 as a new item 4 about social partners:

The Union recognises and promotes the involvement of social partners in Europe's economic and social governance. The Union promotes and supports social dialogue between the Social Partners (Management and Labour), respecting their autonomy and taking into account the diversity of national industrial relations systems.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 34 (paragraphe 4 nouveau), Partie I, Titre VI

Déposée par Monsieur Ben Fayot (Chambre des Députés, Luxembourg)

Qualité : - Membre

Article 34

(ajouter un paragraphe 4 nouveau)

4. (nouveau) Les citoyens et leurs organisations ont le droit de saisir la Cour européenne de justice afin de contester les décisions de la Commission européenne ou d'une autre institution de l'Union qui les touchent directement.

Explication éventuelle :

La démocratie participative est une composante importante de la démocratie à côté de la représentation parlementaire. Elle doit avoir un moyen de recours judiciaire pour rendre effective sa participation au processus politique. La Convention d'Aarhus, signée par la Communauté, préserve ce droit pour les citoyens et leurs organisations dans le domaine de l'environnement. Actuellement, un recours devant la CJCE n'est possible qu'au cas d'intérêt individuel.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 34

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Vida democrática de la Unión

Artículo 34

3. ...de la sociedad civil, ***incluyendo especialmente a centrales sindicales, organizaciones empresariales, organizaciones profesionales, organizaciones no gubernamentales y organizaciones representativas de la economía social.***

4. El Comité Económico y Social Europeo es la institución de la Unión que asegura el diálogo estructurado con la sociedad civil europea.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 34 (bis)

Déposée par Monsieur : Alain Lamassoure

Qualité : - Membre

Article 34bis : droit de pétition et référendum européen

1 – Les citoyens européens ont un droit de pétition dans le cadre de l'Union.

Si deux pour cent des électeurs de l'Union, répartis dans les deux tiers des Etats membres à raison d'au moins un pour cent dans chacun de ceux-ci, en font la demande, un débat est ouvert au sein des institutions européennes sur le sujet soulevé dans la pétition.

Si cinq pour cent des électeurs, répartis dans quatre cinquièmes des Etats membres à raison d'au moins deux pour cent dans chacun de ceux-ci, le proposent, la Commission est tenue de soumettre au Parlement et au Conseil un projet de loi européenne ou l'abrogation d'une loi européenne existante.

2 – Le Conseil européen, après avis conforme du Parlement européen, peut décider de soumettre un projet de loi ou un traité signé par l'Union à la ratification d'un référendum populaire.

La ratification est obtenue par l'obtention d'une majorité simple de l'ensemble des électeurs de l'Union et d'une majorité simple dans la moitié des Etats membres.

Explication: *Il s'agit d'introduire les procédures de la démocratie directe dans la vie de l'Union. Combinées avec l'amendement déposé sur la révision constitutionnelle, ces propositions ouvrent quatre possibilités différentes : droit des citoyens d'obtenir un débat ; droit de proposer une loi nouvelle ou l'abrogation d'une loi existante ; droit d'être consultés par référendum sur un projet de loi ou de traité (par exemple un traité d'adhésion) ; droit d'obtenir le recours au référendum pour ratifier une révision de la Constitution.*

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 34bis

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 34 bis

Se crean las figuras de la iniciativa legislativa ciudadana europea y del referéndum europeo, de acuerdo con lo establecido en la II parte de esta Constitución.

AMENDMENT FORM

Suggestion for amendment of Article : 34 (Title VI)

By Mr : **Adrian Severin**

Status : **- Alternate member**

Art 34

Add :

4. The EU recognises and promotes the involvement of social partners in Europe's economic and social governance. The EU promotes and support social dialogue between the Social Partners (Management and Labour), respecting their authonomy.

5. A European Social Forum shall be set up with the view to organize the social dialog at the European level and to guarantee transparency and accountability in the area of social policy of the EU.

The European Social Forum shall be composed by the representatives of the Council, the representatives of the Commission and the representatives of the European Parliament, representatives of the trade unions and of the employers' organizations.

The European Social Forum shall be convened every three months in ordinary sessions and, at request of a quarter of its members, in extraordinary sessions.

The European Social Forum shall:

- hear the reports of the Commission, the Council and the European Parliament concerning the progress in reaching the social goals of the EU and the implementation of the values of the European social model.
- propose standards relevant for the Social Europe.
- propose and debate on policies which should lead to the increase of the employment and employability, to the guarantee of the equality of chances for social integration and to the improvement of the measures aimed to the social protection.
- propose measures to co-ordinate the national policies as well as the EU and national policies on the social matters.

Explanation (if any) :

The European social model needs an institutionalized social dialogue

AMENDMENT FORM

Suggestion for amendment of Article : T6Briesch.doc

By Ms SIGMUND, Mr BRIESCH and Mr FRERICHS

Status : Alternates

Draft articles submitted by the Praesidium	Proposed amendments
<p style="text-align: center;">Title VI: The democratic life of the Union</p> <p style="text-align: center;"><i>Article 33:</i> <i>The principle of democratic equality</i></p> <p>The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.</p> <p style="text-align: center;"><i>Article 34:</i> <i>The principle of participatory democracy</i></p> <ol style="list-style-type: none">1. Every citizen shall have the right to participate in the democratic life of the Union.2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.	<p style="text-align: center;">Title VI Participatory democracy</p> <p style="text-align: center;"><i>Article 33</i> <i>The principle of participatory democracy</i></p> <ol style="list-style-type: none">1. The Union's operation shall be founded on the principle of the equality of citizens.2. Every citizen shall have the right to participate, by the appropriate means, in the democratic life of the Union.3. Participatory democracy is an integral part of the European model of society. It complements representative democracy and helps to reinforce the democratic legitimacy of the Union. <p style="text-align: center;"><i>Article 34</i> <i>Civil dialogue</i></p> <ol style="list-style-type: none">1. The institutions of the Union shall ensure transparency and shall implement information procedures, hearings and consultation procedures which enable representative civil society organisations to be involved in the shaping, implementation and monitoring of Community policies.

<p>3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.</p>	<p>2. The Union shall facilitate the dialogue between representative civil society organisations on the development of the Union and its policies and shall ensure a regular and structured dialogue between them and the institutions of the Union.</p> <p>3. In accordance with Article 23 of this Treaty, the European Economic and Social Council is the focus for dialogue between civil society organisations and the Union.</p> <p style="text-align: center;">Article 34 bis Social dialogue</p> <p>(text to be inserted)</p>
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justification:

The draft of Articles 33 to 37 does not tackle the principle of representative democracy and the role of the European Parliament, which is, however, an essential part of the democratic life of the Union. Title VI essentially sets out to lay down a number of principles designed to increase the opportunities available to ordinary citizens to participate in the democratic life of the Union.

The heading of Title VI should, therefore, be amended and Article 33 should be amplified so as to enunciate clearly the principle of participatory democracy, the essential complement to representative democracy.

The principle of participatory democracy means citizens exercising their right to participation through representative civil society organisations acting in the framework of appropriate consultation procedures and structures. This should be clearly stated in Article 34.

At the same time, a constitutional basis should also be created for civil dialogue, which needs to be defined. Civil dialogue should thus be taken to mean the dialogue between representative European civil society organisations and the dialogue between all these organisations and the Union institutions.

If this civil dialogue is to be effective, its framework and venue also needs to be stated. Without prejudice to its structure and powers, the EESC's nature and membership make it a suitable forum for civil dialogue.

Social dialogue is an integral part of participatory democracy, but it must be clearly distinguished from dialogue with the civil society organisations. The social dialogue players and their responsibilities are clearly defined. Under the TEC, the European organisations of social partners have quasi-legislative powers. For these reasons, the EESC considers that the specific nature of social dialogue also needs to be recognised in Part I of the Constitution.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : T6Briesch.doc

Déposée par Mme SIGMUND, M. BRIESCH et M. FRERICHS

Qualité : Observateurs

Projet d'articles présenté par le Présidium	Amendements proposés
<p style="text-align: center;">Titre VI La vie démocratique de l'Union</p> <p style="text-align: center;"><i>Article 33</i> <i>Principe d'égalité démocratique</i></p> <p>Le fonctionnement de l'Union est fondé sur le principe d'égalité des citoyens. Ceux-ci bénéficient d'une égale attention de la part des institutions de l'Union.</p>	<p style="text-align: center;">Titre VI La démocratie participative</p> <p style="text-align: center;"><i>Article 33</i> <i>Principe de la démocratie participative</i></p> <ol style="list-style-type: none">1. Le fonctionnement de l'Union est fondé sur le principe d'égalité des citoyens.2. Tout citoyen a le droit de participer, par les voies appropriées, à la vie démocratique de l'Union3. La démocratie participative est une partie intégrante du modèle européen de société. Elle complète la démocratie représentative et contribue à renforcer la légitimité démocratique de l'Union.

<p style="text-align: center;">Article 34 Principe d'une démocratie participative</p> <ol style="list-style-type: none">1. Tout citoyen a le droit de participer à la vie démocratique de l'Union.2. Les institutions de l'Union donnent, par les voies appropriées, aux citoyens et aux associations représentatives la possibilité de faire connaître et d'échanger publiquement leurs opinions sur tous les domaines d'action de l'Union.3. Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.	<p style="text-align: center;">Article 34 Le dialogue civil</p> <ol style="list-style-type: none">1. Les institutions de l'Union assurent la transparence et mettent en œuvre des procédures d'information, d'audition et de consultation qui permettent aux organisations représentatives de la société civile d'être impliquées dans le processus de formation, de mise en œuvre et de suivi des politiques communautaires.2. L'Union facilite le dialogue entre les organisations représentatives de la société civile sur son évolution et sur les politiques communautaires et garantit un dialogue structuré et régulier entre celles-ci et les institutions.3. Conformément à l'article 23 de la Constitution, le Conseil économique et social européen est l'enceinte du dialogue entre la société civile organisée et l'Union. <p style="text-align: center;">Article 34 bis Le dialogue social</p> <p>(texte à insérer)</p>
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Explication:

Le projet d'articles 33 à 37 n'aborde pas le principe de la démocratie représentative et le rôle du Parlement européen qui constitue pourtant un rouage essentiel dans la vie démocratique de l'Union. Le Titre VI vise essentiellement à établir un certain nombre de principes destinés à accroître les possibilités de participation des citoyens à la vie démocratique de l'Union.

.../..

L'intitulé du titre VI devrait donc être modifié et l'article 33 complété afin que soit clairement affirmé le principe de la démocratie participative, complément indispensable de la démocratie représentative.

Ce principe de la démocratie participative implique que les citoyens exercent leurs droits de participation par l'intermédiaire d'organisations de la société civile représentatives agissant dans le cadre de procédures et structures de consultation appropriées. Ceci devrait être clairement affirmé dans le cadre de l'article 34.

Ce faisant, il convient également de donner un fondement constitutionnel au dialogue civil et d'en préciser la nature. Par dialogue civil, il faut ainsi entendre le dialogue entre les organisations européennes représentatives de la société civile et celui entre l'ensemble de ces organisations et les institutions de l'Union.

Afin que ce dialogue civil puisse être effectif, il est aussi nécessaire d'en préciser le cadre et le lieu. Sans préjudice de sa structure et de ses compétences, le CESE a vocation, par sa nature et sa composition, à être l'enceinte de ce dialogue civil.

Le dialogue social est une partie intégrante de la démocratie participative, mais il doit être distingué nettement du dialogue avec les organisations de la société civile. Les acteurs qui participent au dialogue social et leurs compétences sont clairement définis. Au titre du TCE, les organisations européennes de partenaires sociaux disposent de pouvoirs quasi-législatifs. Pour ces raisons, le CESE est d'avis que la spécificité du dialogue social doit également être reconnue dans la partie I de la Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : T6Briesch.doc

By Ms SIGMUND, Mr BRIESCH and Mr FRERICHS

Status : Alternates

Vom Konventspräsidium vorgelegter Entwurf	Vorgeschlagene Änderungen
<p style="text-align: center;">Titel VI Das demokratische Leben der Union</p> <p style="text-align: center;"><i>Artikel 33</i> Grundsatz der demokratischen Gleichheit</p> <p>Der Arbeitsweise der Union liegt der Grundsatz der Gleichheit der Bürger zugrunde. Die Bürger genießen ein gleiches Maß an Aufmerksamkeit seitens der Organe der Union.</p> <p style="text-align: center;"><i>Artikel 34</i> Grundsatz der partizipatorischen Demokratie</p> <p>4. Jeder Bürger hat das Recht, am demokratischen Leben der Union teilzunehmen.</p> <p>5. Die Organe der Union geben den Bürgern und den repräsentativen Verbänden in geeigneter Weise die Möglichkeit, ihre Ansichten zu allen Bereichen des Handelns der Union öffentlich bekannt zu geben und auszutauschen.</p> <p>6. Die Organe der Union pflegen einen offenen, transparenten und regelmäßigen Dialog mit den repräsentativen Verbänden und der Zivilgesellschaft.</p>	<p style="text-align: center;">Titel VI Die partizipatorische Demokratie</p> <p style="text-align: center;"><i>Artikel 33</i> Grundsatz der partizipatorischen Demokratie</p> <p>1. Der Arbeitsweise der Union liegt der Grundsatz der Gleichheit der Bürger zugrunde.</p> <p>2. Jeder Bürger hat das Recht, in geeigneter Weise am demokratischen Leben der Union teilzunehmen.</p> <p>3. Die partizipatorische Demokratie ist ein wichtiger Bestandteil des europäischen Gesellschaftsmodells. Sie ergänzt die repräsentative Demokratie und trägt zur Erhöhung der demokratischen Legitimität der Union bei.</p> <p style="text-align: center;"><i>Artikel 34</i> Der zivile Dialog</p> <p>1. Die Organe der Union sorgen für Transparenz und wenden Verfahren für die Information, Anhörung und Konsultation an, um die repräsentativen Organisationen der Zivilgesellschaft in die Gestaltung, Umsetzung und Weiterverfolgung der Gemeinschaftspolitiken einzubinden.</p> <p>2. Die Union ermöglicht den Dialog zwischen den repräsentativen Organisationen der Zivilgesellschaft über ihre Entwicklung und die Gemeinschaftspolitiken und stellt einen strukturierten, regelmäßigen Dialog zwischen diesen Organisationen und den Institutionen sicher.</p> <p>3. Gemäß Artikel 23 der Verfassung ist der Europäische Wirtschafts- und Sozialrat der Ort des</p>

	<p>Dialogs zwischen der organisierten Zivilgesellschaft und der Union.</p> <p style="text-align: center;">Artikel 34 a Der soziale Dialog</p> <p>(Text einfügen)</p>
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Erläuterung:

Die vorgeschlagenen Artikel 33 bis 37 berühren nicht den Grundsatz der repräsentativen Demokratie und die Rolle des Europäischen Parlaments, die aber ein wichtiger Baustein im demokratischen Leben der Union ist. In Titel VI werden in erster Linie einige Grundsätze festgeschrieben, die die Möglichkeiten der Mitwirkung der Bürger am demokratischen Leben der Union verbessern sollen.

Die Bezeichnung von Titel VI sollte daher geändert und Artikel 33 ergänzt werden, um dem Grundsatz der partizipatorischen Demokratie als einem unentbehrlichen Element neben der repräsentativen Demokratie eine feste Grundlage zu geben.

Der Grundsatz der partizipatorischen Demokratie beinhaltet, dass die Bürger ihre Partizipationsrechte durch repräsentative Organisationen der Zivilgesellschaft ausüben, die im Rahmen geeigneter Konsultationsverfahren und -strukturen handeln. Dies sollte in Artikel 34 klar zum Ausdruck gebracht werden.

Im gleichen Sinne sollte auch dem zivilen Dialog eine verfassungsmäßige Grundlage gegeben und sein Inhalt näher bezeichnet werden. Unter zivilem Dialog ist der Dialog zwischen den repräsentativen europäischen Organisationen der Zivilgesellschaft ebenso zu verstehen wie der Dialog zwischen all diesen Organisationen und den Institutionen der Union.

Um den zivilen Dialog zum Tragen zu bringen, braucht er einen Rahmen und einen Ort. Unbeschadet seines Aufbaus und seiner Zuständigkeiten bietet sich der EWSA von seiner Zweckbestimmung und seiner Zusammensetzung her als Ort des zivilen Dialogs an.

Der soziale Dialog ist ein elementarer Bestandteil der partizipatorischen Demokratie, ist jedoch klar vom Dialog mit den Organisationen der Zivilgesellschaft zu unterscheiden. Die Akteure, die am sozialen Dialog teilnehmen, und ihre Kompetenzen sind eindeutig festgelegt. Gemäß dem EGV besitzen die europäischen Organisationen der Sozialpartner quasi-legislative Befugnisse. Aus diesen Gründen ist der EWSA der Ansicht, dass dem sozialen Dialog aufgrund seiner besonderen Merkmale ebenfalls ein Platz in Teil 1 der Verfassung einzuräumen ist.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 34

Déposée par Madame Palacio

Qualité : - Membre -Suppléant

Article 34 : Principe d'une démocratie participative.

1. Tout citoyen a le droit de participer à la vie démocratique de l'Union.
2. Les institutions de l'Union donnent, par les voies appropriées, aux citoyens et aux associations représentatives la possibilité de faire connaître et d'échanger publiquement leurs opinions sur tous les domaines d'action de l'Union. Les institutions de l'Union entretiennent à cet égard un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.
3. La Commission,
 - en collaboration avec les autorités nationales des Etats membres et dans le respect de leur ordre constitutionnel, mène les consultations appropriées avec les entités régionales et locales ;
 - promeut la consultation de partenaires sociaux au niveau de l'Union et prennent tout mesure utile pour faciliter leur dialogue en veillant à un soutien équilibré des parties.

Explication éventuelle :

- 34.2 On ajoute au paragraphe 2 le paragraphe 3, tous les deux concernant le dialogue avec la société civile.
- 34.3 Nouveau paragraphe consacré aux consultations avec les autorités régionales et locales suite aux débats de la session plénière de 7 février et des propositions de groupe de contact « régions et entités locales », ainsi que au dialogue avec les partenaires sociaux reprenant l'actuel article 138.1 TCE.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 46

Déposée par Madame : Cristiana MUSCARDINI

Qualité : Membre

PROPOSTA DI EMENDAMENTO ALL'ART. 46

2 par.

Le istituzioni dell'Unione mantengono un dialogo aperto, trasparente e regolare con le associazioni rappresentative, la società civile e **le associazioni di impresa.**

Il par. 3 viene sostituito dal seguente, diventando il 4 par.:

L'Unione riconosce il valore dell'impresa nel processo di sviluppo economico, culturale e sociale dei popoli.

Explication éventuelle :