

**CORRIGENDUM TO COVER NOTE**

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from: Secretariat  
to: Convention

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Nos prev. docs: CONV 802/03, CONV 821/03

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Subject: **Reactions to draft text CONV 802/03**  
– Analysis

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The following corrections should be made:

**In Annex I, Part III, Title I:**

**Article III-0**

Replace:

- Delete "*taking all of the Union's objectives into account*", which risks extending the Union's competences (*am. 1, Teufel + 2*).

by:

- Delete "*taking all of the Union's objectives into account*", which risks extending the Union's competences (*am. 1, Teufel + 2; am. Fischer*).

**Article III-2**

Add:

- At the end of the article, add "such integration shall be carried out in accordance with the Protocol on sustainable development, annexed to the Constitution" (*am. Vella*).

### **Article III-new (2a or 3a)**

Add:

- Add a new article concerning activities by the Union and Member States, such as adoption of guidelines or objectives, indicators and exchange of best practice, with common ends in view (*am. Costa + 5*).

### **In Annex II, Part III, Title II:**

#### **Article III-5**

Replace:

- make applicable the ordinary legislative procedure (de Villepin, De Rossa, Michel + 4, Paciotti + 2, Van Lancker + 9, Dybkjaer, Maj-Weggen, Thorning-Schmidt, Voggenhuber), or state that the Council shall act unanimously only until 30 October 2009 (Barnier + Vitorino)

by:

- make applicable the ordinary legislative procedure (de Villepin, De Rossa, Michel + 4, Paciotti + 2, Van Lancker + 9, Dybkjaer, Maj-Weggen, Thorning-Schmidt, Voggenhuber, Duff), or state that the Council shall act unanimously only until 30 October 2009 (Barnier + Vitorino).

#### **Article III-6**

Replace:

- make the ordinary legislative procedure applicable also to the second paragraph (Duhamel + Berès, Kaufmann), or state that the Council shall act unanimously only until 30 October 2009 (Barnier + Vitorino)

by:

- make the ordinary legislative procedure applicable also to the second paragraph (Duhamel + Berès, Kaufmann), state that the Council shall act unanimously only until 30 October 2009 (Barnier + Vitorino) or require a super-qualified majority with the European Parliament's consent (Duff).

Add:

- replace the legal basis in paragraph 2 by exclusion of Union competence (Fischer).

### **Article III-7**

Replace:

- make applicable the ordinary legislative procedure (Duhamel + Berès, Kaufmann, Maj-Weggen), or abolish the rule of unanimity within the Council (Barnier + Vitorino)

by:

- make applicable the ordinary legislative procedure (Duhamel + Berès, Kaufmann, Maj-Weggen), abolish the rule of unanimity within the Council (Barnier + Vitorino) or require a super-qualified majority with the European Parliament's consent (Duff).

### **Article III-8**

Replace:

- make the ordinary legislative procedure applicable to the second paragraph (Duhamel + Berès, Kaufmann)

by:

- make the ordinary legislative procedure applicable to the second paragraph (Duhamel + Berès, Kaufmann, Duff.)

### **In Annex III, Part III, Title III, Chapter I:**

#### **Article III-36**

Add:

- Replace European regulations or decisions by Commission regulations or decisions (*am. Duff*).

#### **Article III-46**

Add:

- Stipulate consultation of the European Parliament (*am. Duff*).

#### **Article III-49**

Add:

- Replace European regulations adopted by the Council by European regulations adopted by the Commission (*am. Duff*).

### **Article III-55**

Add:

- Replace European regulations adopted by the Council by European regulations adopted by the Commission (*am. Duff*).

### **Article III-59**

Replace:

- Maintain the procedure, but replace unanimity by a qualified majority in the Council (*am. 5 Duff; am.13 Lequiller; am.14 Lamassoure*).

by

- Maintain the procedure, but replace unanimity by a qualified majority in the Council (*am. 13 Lequiller; am.14 Lamassoure*).

...

[correction not affecting the English language version]

Add:

- Have the Council act by a super-qualified majority with the European Parliament's consent (*am. Duff*).

### **Article III-60**

Replace:

- Stipulate the ordinary legislative procedure (*am.5 Michel + 4; am.8 Duhamel + 14*).

by:

- Stipulate the ordinary legislative procedure (*am.5 Michel + 4; am.8 Duhamel + 14; am. Duff*).

### **Article III-61**

Add:

- Stipulate the ordinary legislative procedure (*am. 1 Duhamel*).

### **Article III-65**

Add:

- Stipulate the legislative procedure (*am. Duff*).

### **In Annex V, Part III, Title III, Chapter III:**

### **Article III-98**

Add:

Add a new Article 98a or 99a establishing a procedure for coordination of national social policies (*am. Costa and am. Van Dijk*, which propose two different versions).

### **Article III-111**

Replace:

Ms Hjelm-Wallén and 2 other Convention members, as well as Mr Hain, Mr de Vries and Mr de Bruijn called that the word "territorial" to be deleted.

by:

Ms Hjelm-Wallén and 2 other Convention members, as well as Mr Hain, Mr de Vries and Mr de Bruijn, and Mr Fischer, called for the word "territorial" to be deleted.

### **Article III-116**

Add:

At the end of the second paragraph, before "fisheries", add "forests and" (*am. Nazaré Pereira*)

### **Article III-121**

Add:

In paragraph 2, after "acting on a proposal from the Commission", add "and after consulting the European Parliament" (*am. Duff*).

### **Article III-122**

Add:

In paragraph 3, after "acting on a proposal from the Commission", add "and after consulting the European Parliament" (*am. Duff*).

### **Article III-125**

Replace:

Several amendments proposed that all or some of the matters appearing in paragraph 2 should move to a majority:

- Delete all of paragraph 2 (Fayot, Kaufmann, Michel +4, Voggenhuber + 4, de Vries and de Bruijn)
- Delete points (a) and (b)(ii) to move them to a qualified majority (de Villepin, Lequiller)
- Replace unanimity by joint adoption by the Council and the Parliament (Duhamel et Berès)

by:

Several amendments proposed that all or some of the matters appearing in paragraph 2 should move to a majority:

- Delete all of paragraph 2 (Fayot, Kaufmann, Michel + 4, Voggenhuber + 4, de Vries and de Bruijn, Duff)
- Delete points (a) and (b)(ii), to move them to a qualified majority (de Villepin, Lequiller)
- Replace unanimity by joint adoption by the Council and the Parliament (Duhamel et Berès).

### **Article III-133**

Add under paragraph 3:

- delete "the Council, on a proposal from" (*am. Duff*).

### **Article III-149**

Add:

- delete "the Council, on a proposal from" (*am. Duff*).

### **List of amendments**

In the list of amendments to Article III-98, replace "6. Hemm" by "6. Helle".

### **In Annex VI, Part III, Title III, Chapter IV:**

#### **Article III-157**

Replace:

- possible establishment of a second committee either for judicial cooperation (am. 1, de Villepin), or for general preparation of the Council's work in Sections 4 and 5 (de Vries, Teufel)

by:

- possible establishment of a second committee, either for judicial cooperation (am. 1, de Villepin) or for general preparation of the Council's work in Sections 4 and 5 (de Vries, Teufel, Fischer).

#### **Article III-160**

Add:

- stipulate a right of initiative for three Member States (Fischer).

#### **Article III-161**

Add:

- include a reference to a European border guard in paragraphs 1(c) and 2(d) (Fischer).

### **Article III-162**

Replace:

- reduce the scope of the Article to minimum rules (Teufel; Wuermeling)

by:

- reduce the scope of the Article to minimum rules (Teufel; Wuermeling; Fischer).

Add:

- delete the legal basis for a common procedure for subsidiary protection as well as for standards concerning conditions for the reception of applicants for such protection (Fischer).

### **Article III-164**

Add:

- delete the article (Fischer).

### **Article III-165**

Replace:

- provide for the ordinary legislative procedure for parental responsibility (Berès + 4), or even for all the laws and framework laws covered by this Article and affecting family law (Duhamel + Berès, Barnier + Vitorino, Kaufmann), or provide for a super-qualified majority (Paciotti + 15)

by:

- provide for the ordinary legislative procedure for parental responsibility (Berès + 4), or even for all the laws and framework laws covered by this Article and affecting family law (Duhamel + Berès, Barnier + Vitorino, Kaufmann), or provide for a super-qualified majority (Paciotti + 15, Duff).

### **Article III-166**

Replace:

- replace unanimity with a super-qualified majority, point (d) of paragraph 2 (Michel + 4, Paciotti + 14)

by:

- replace unanimity with a super-qualified majority in point (d) of paragraph 2 (Michel + 4, Paciotti + 14, Duff).



### **Article III–167**

Replace:

- in the third subparagraph of paragraph 1, replace the unanimous Council decision with a law adopted by the ordinary legislative procedure (de Villepin) or with a Council decision adopted by a super-qualified majority (Michel + 4, Paciotti + 13)

by:

- in the third subparagraph of paragraph 1, replace the unanimous Council decision with a law adopted by the ordinary legislative procedure (de Villepin) or with a Council decision adopted by a super-qualified majority (Michel + 4, Paciotti + 13, Duff).

### **Article III–170**

Replace:

- stipulate the ordinary legislative procedure (Brok + 21, Kaufmann, Lamassoure, Lequiller), or a super-qualified majority in the Council (Michel + 4, Paciotti + 14) or that the Council should act by a qualified majority only until 31 October 2009 (Barnier + Vitorino)

by:

- stipulate the ordinary legislative procedure (Brok + 21, Kaufmann, Lamassoure, Lequiller), or a super-qualified majority in the Council (Michel + 4, Paciotti + 14, Duff) or that the Council should act by a qualified majority only until 31 October 2009 (Barnier + Vitorino).

Replace:

- stipulate that the Public Prosecutor's Office is to be set up not later than five years after the Constitution comes into force (Lequiller)

by:

- stipulate that the Public Prosecutor's Office shall be set up under the Constitution (Fischer) or not later than five years after the Constitution comes into force (Lequiller).

### **Article III – 171**

Replace:

- stipulate the ordinary legislative procedure for paragraph 2 as well (Duhamel + Berès) or the super-qualified majority (Michel + 4, Paciotti + 14)

by:

- stipulate the ordinary legislative procedure for paragraph 2 as well (Duhamel + Berès) or the super-qualified majority (Michel + 4, Paciotti + 14, Duff).

Add:

- provide, in paragraph 3, that the establishment of new bodies in the field of this Chapter, or any change in the tasks of existing bodies, shall also be decided by unanimity (Fischer).

### **Article III - 172**

Replace:

- acting unanimously, the Council may specify additional tasks to those already mentioned in points (a) and (b) (Teufel)

by:

- acting unanimously, the Council may specify additional tasks to those already mentioned in points (a) and (b) (Teufel; similar: Fischer).

### **Article III – 173**

Replace:

- provide for the ordinary legislative procedure (Duhamel + Berès, Kaufmann) or a super-qualified majority (Michel + 4, Paciotti + 13) or that the Council shall act unanimously only until 30 October 2009 (Barnier + Vitorino)

by:

- provide for the ordinary legislative procedure (Duhamel + Berès, Kaufmann) or a super-qualified majority (Michel + 4, Paciotti + 13, Duff) or that the Council shall act unanimously only until 30 October 2009 (Barnier + Vitorino).

## **In Annex IX, Part III, Title V:**

### **Article III – 189**

Replace:

- Add the application of qualified majority voting for joint proposals by the Minister for Foreign Affairs and the Commission (*am. 1/Brok+23*)

by:

- Add the application of qualified majority voting for joint proposals by the Minister for Foreign Affairs and the Commission (*am. 1/Brok+23/Duff*).

### **Article III – 196**

Replace:

- Stipulate that the Union Minister shall act as a go-between when a Member State is opposed to a decision being taken by a qualified majority (*am. 5/Fischer*)

by:

- Stipulate that the Union Minister shall act as a go-between when a Member State is opposed to a decision being taken by a qualified majority and that, where no solution is found, the European Council shall decide by a qualified majority (*am. 5/Fischer*).

Add:

- Apply qualified majority voting for joint proposals of the Union's Minister for Foreign Affairs and of the Commission (*am. /Duff*).

Add:

- Proposal to amend the text on constructive abstention to incorporate "initiate any action or reinforce any existing action" (*am. Vella*).

Add:

- Remove the blocking minority for constructive abstention (*am. Duff*).

### **Article III – 214**

Add:

- Point out, in a commentary referring to the deletion of paragraph 4 of an earlier version of the text and without proposing any amendment to the present draft article, the necessity that any integration of the European Development Fund into the Union's budget should be accompanied by greater effectiveness and should clearly target the development cooperation programmes' fight against poverty (*am. 2/Fischer*).

### **Article III-219**

Add the following indent:

- Add a new paragraph providing for constructive abstention (*am. Vella*)

### **In Annex X, Part III, Title VI, Chapter I:**

#### **Article III – 227**

Insert before the present first indent:

- Provide for a super-qualified majority in the Council with the consent of the European Parliament and without ratification by national parliaments (*am. Duff*).

### **In Annex XII, Part III, Title VI, Chapter III:**

#### **Article III – 322**

Add:

- Provide for a qualified majority for authorisation to begin enhanced cooperation in the context of the CFSP (*am. 3/Fischer*).

**In Annex XIII, Part III, Title VII:**

**Article III – 326**

Add:

- Add a paragraph to the effect that the Council may, acting on a Commission proposal and after consultation of the European Parliament, decide by a qualified majority to apply the preceding paragraphs to Aruba and the Netherlands Antilles (*am. Van der Linden+3*).

**Article III – 335**

Add:

- Provide for the opinion of the European Parliament (*am. Duff*).

Insert after Article III – 335:

**"Article III – 338**

- Provide for qualified majority voting in the Council of Ministers and the opinion of the European Parliament concerning the list referred to in paragraph 2 of the Article (*am. Duff*)"

**In Annex XV, Part IV:**

**Article IV – 2**

Replace:

- Replace "European Communities" by "European Community": (Voggenhuber and 4 others, Berger and 2 others).

by:

- Replace "European Communities" by "European Community": (Voggenhuber and 4 others, Berger and 2 others, Fischer).

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