

CONV 821/03

COVER NOTE

from : Secretariat

to : Convention

No. prev. doc. : CONV 802/03

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

For the debate in plenary session on 4 July, Convention members will find attached an analysis of the comments and proposed amendments received concerning Volume II of the draft Constitution.

SUMMARY SHEET OF PROPOSED AMENDMENTS

PART III, TITLE I: CLAUSES OF GENERAL APPLICATION

Article III-0 (new)

- Delete "*taking all of the Union's objectives into account*", which risks extending the Union's competences (*am. 1, Teufel + 2*).
- Add a paragraph stating that each year the European Council will shall take stock of economic and social policies and define orientations for the following year (*am. 2, Gabaglio*)

Article III-1 (equality men-women)

- Add "*inter alia by taking positive measures*" (*am. 1 de Villepin*)
- Specify that the clause does not apply only to all Union actions but also to all Union policies (*am. 2, de Vries + 1*)
- Delete this Article, regarded as rendered superfluous by other provisions of the Constitution (*am. 3, Wuermeling + 1*)

Article III-1a (non-discrimination)

- Include the same discrimination criteria as those indicated in Article II-21, § 1 of the Charter (*am. 1, Kaufmann*).
- Include the social origin criterion (*am. 3, de Vries + 1*)
- Delete the Article, regarded as rendered superfluous by Articles I-2 and III-5 (*am. 2, Hain; am. 4, Wuermeling + 1*)

Article III-2 (environmental protection)

- Add a reference to environmental policy objectives (Art. III-124) and state that the Commission shall indicate in its proposals the extent to which they take this clause into account (*am. 1, de Vries + 1*)

Article III-2a (consumer protection)

- Strengthen the clause by requiring that consumer protection be guaranteed, not merely taken into account in the implementation of other Union policies (*am. 1, Hjelm-Wallén + 2*)
- Stipulate "taken into *due* account" (*am. 2, Lopes + 1*)

Article III-3 (services of general economic interest)

- Recognition of national legislation and practice in this area. Add a paragraph providing for a legal basis authorising the European legislator to implement the objectives referred to in Article III-3, (*am. 4, Van Lancker + 19; am. 5, Michel + 4*). Formulation of a new article with a similar content (*am. 16, Voggenhuber + 4*)
- Add a paragraph stating that the Union respects the laws of the Member States and their competent authorities as regards their conceptions of services of general economic interest, the necessary requirements and facilities and the way in which these services are administered (*am. 1, Teufel + 2; am. 3, Wuermeling*)
- State that the Union and its Member States shall adopt measures ensuring that services of general economic interest function under economic and financial conditions that enable them to fulfil their missions (*am. 6, de Villepin*). Similar amendments (*am. 10, Carvinho; am.15, Haenel + 1*)

- Reintroduce the idea of "common values" (*am. 2, Gabaglio; am. 6, de Villepin, am 10, Carvinho; am 16, Voggenhuber + 4*)
- Delete the adjective "economic" in "service of general economic interest" (*am. 4 Van lancker + 9, am. 5, Michel + 4; am. 6 de Villepin, am. 13, Lequiller*)
- Delete the reference to the provisions on competition. State that the services in question are "services of general economic *and social* interest" (*am. 8, De Rossa*)
- Redraft recognising services of general interest as a cornerstone of the European Social Model. Recognition of national competences in this area. New legal basis authorising the European legislator to determine to what extent competition rules apply in this area (*am. 2, Gabaglio*)
- Add a paragraph providing for a legal basis to set minimum requirements for promoting services of general interest and equality of access (*am. 9, Gabaglio*)
- Provide for a legal basis to specify the tasks of services of general interest. (*am. 10, Carvinho*)
- Mention the principles which govern services of general interest (*am. 8, De Rossa; am. 13, Lequiller; am. 16, Voggenhuber + 4*)
- Delete the article (*am. 11, Lennmarker;*)
- Include a reference after "its Member States" to their regional and local authorities (*am. 12, Chabert + 5*)
- Replace "all" with "all the Member States". Delete the adjective "*territorial cohesion*" (*am.14, Hain*)

- Add the adjective "*economic cohesion*" (*am. 7, Lopes + 1*)
- Retain the present wording (*am. 17, de Vries + 1*)

Article III – new (2a or 3a)

- Add a new clause of general application taking account of the Union's social objectives in all Union actions: requirements of full employment, health protection, education, training, social protection and services of general interest (*am. 1, Michel + 5, am. 2; Van Lancker + 10*)
- Include (in a new Article III-3a) Article III-94(2), i.e. the clause of general application on the taking into consideration of the objective of full employment in all the Union's actions (*am. 3, Gabaglio*)
- Add a new clause of general application relating to the opening up and competitiveness of markets, the protection of private property, price stability and other economic objectives (*am. 4, Brok + 27*)
- Add a new clause of general application to take account of the cultural dimension of the Union's actions (*am. 6, Hübner*)
- Add a new article on data protection to replace Article I-50 (*am. 5, Hain*)

List of amendments

Art. III-0 (New)

1. Erwin Teufel, Peter Altmaier, Joachim Wuermeling
2. Emilio Gabaglio

ART. III-1 (Ex Art. 3(2))

1. Dominique de Villepin
2. de Vries, de Bruijn
3. Joachim Wuermeling, Peter Altmaier

ART. III-1a (New)

1. Sylvia-Yvonne Kaufmann
2. Hain
3. de Vries, de Bruijn
4. Joachim Wuermeling, Peter Altmaier

ART. III-2 (Ex Art. 6)

1. de Vries , de Bruijn

ART. III-2a (Ex Art. 153(2))

1. Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg,
2. Mr Ernâni Lopes, Manuel Lobo Antunes

ART. III-3 (Ex Art. 16)

1. Erwin Teufel, Peter Altmaier, Joachim Wuermeling
2. Emilio Gabaglio
3. Joachim Wuermeling
4. Anne Van Lancker, Roger Briesch, Olivier Duhamel, Helle Thorning-Schmidt,
Carlos Carnero Gonzalez, Ben Fayot, Ornella Paciotti, Pervenche Berès, Maria Berger, Caspar
Einem
5. Louis Michel, Elio Di Rupo, Anne Van Lancker, Pierre Chevalier, Marie Nagy
6. Dominique de Villepin

7. Ernâni Lopes, Manuel Lobo Antunes
8. Proinsias De Rossa
9. Emilio Gabaglio
10. João Cravinho
11. Göran Lennmarker
12. Chabert, Dammeyer, Dewael, du Granrut, Martini, Valcarcel Siso
13. Pierre Lequiller
14. Hain
15. Hubert Haenel, Robert Badinter
16. Voggenhuber, Wagener, MacCormick, Lichtenberger, Nagy
17. de Vries, de Bruijn

ART. III New – 2a or 3a

1. Louis Michel, Elio Di Rupo, Anne Van Lancker, Pierre Chevalier, Marie Nagy
 2. Anne Van Lancker, Roger Briesch, Olivier Duhamel, Helle Thorning-Schmidt, Carlos Carnero Gonzalez, Ben Fayot, Ornella Paciotti, Pervenche Berès, Maria Berger, Caspar Einem, Elio Di Rupo
 3. Emilio Gabaglio
 4. Brok, Azevedo, Akcam, Almeida Garrett, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Giannakou, Kauppi, Kelam, Lennmarker, Liepina, Maij-Weggen, Paks, Rack, Santer, Stockton, Szajer, Teufel, van der Linden, Vilen, Kauppi, van Dijk, Wittbrodt, Wurmeling
 5. Hain
 6. Hübner
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SUMMARY SHEET OF PROPOSED AMENDMENTS

PART III, TITLE II: NON-DISCRIMINATION AND CITIZENSHIP

1. General analysis

The only article under Title II which has given rise to a large number of amendments is Article III-5, and the main request emerging from these amendments is that the ordinary legislative procedure should be made applicable to the whole of this article. The same request has furthermore been made, although in a more isolated manner, for the other articles under this Title which provide for a law or framework law adopted unanimously by the Council.

II. Thematic analysis by article

Article III-4 (ex Article 12)

The European law or framework law shall lay down rules to prohibit discrimination on grounds of nationality as referred to in [Article I-4].

Analysis of amendments:

- rewording of the Article (Kaufmann)

Article III-5 (ex Article 13)

1. Without prejudice to the other provisions of the Constitution and within the limits of the powers conferred by it upon the Union, a European law or framework law of the Council may establish the measures needed to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Council shall act unanimously after consulting the European Parliament.

2. By way of derogation from paragraph 1, the European law or framework law shall establish the Union's incentive measures, to support action taken by the Member States in order to contribute to the achievement of the objectives referred to in paragraph 1, excluding any harmonisation of the laws and regulations of the Member States.

Analysis of amendments:

- 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)
- delete the reference to a "law or framework law" in the first paragraph (Hain)
- provide for consultation of the Economic and Social Committee (Borrell + 2, Sigmund + 2)
- add other forms of discrimination: social origin (de Vries), all those mentioned in Article II-21(1) (Gabaglio; Paciotti + 2)
- add a reference to the fight against racism, antisemitism and xenophobia (Kaufmann + Van Lancker)
- add a legal basis for the "promotion of equality between people" (Kaufmann + Van Lancker), or a clause allowing for positive actions (Dybkjaer)
- add a paragraph on respect by the Union of national constitutions and of the ECHR (Bonde)
- drafting amendment (Thorning-Schmidt)

Article III-6 (ex Article 18)

1. If action by the Union should prove necessary to attain the objective, referred to in [Article 1-8], of the right of every Union citizen to move and reside freely and the Constitution has not provided the necessary powers, the European law or framework law may facilitate the exercise of that right.

2. For the same purposes as that referred to in paragraph 1 and unless the Constitution has provided for powers of action in this area, measures concerning passports, identity cards, residence permits or any other such document and measures concerning social security or social protection may be laid down by a unanimously adopted European law or framework law of the Council. The Council shall act after consulting the European Parliament.

Analysis of amendments:

- 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)
- delete the reference to social security in paragraph 2 (on the grounds that it should be covered for all European citizens by Article III-18 (Farnleitner))
- delete the reference to passports and identity cards in paragraph 2 (de Vries)
- provide for consultation of the Committee of the Regions (Chabert + 5)

Article III-7 (ex Article 19)

A European law or framework law of the Council shall determine the detailed arrangements for exercising the right, referred to in [Article I-8], for every Union citizen to vote and to stand as a candidate in municipal elections and elections to the European Parliament in their Member State of residence. The Council shall act unanimously after consulting the European Parliament. These arrangements may provide for derogations where warranted by problems specific to a Member State.

The right to vote and to stand as a candidate in elections to the European Parliament shall be exercised without prejudice to [Article III-227(2) (ex 190(4))] and the measures adopted for its implementation.

Analysis of amendments:

- make applicable the ordinary legislative procedure (Duhamel + Berès, Kaufmann, Maj-Weggen), or abolish the rule of unanimity within the Council (Barnier + Vitorino)
- provide for consultation of the Committee of the Regions (Chabert + 5)
- add, at the end of the first sentence of the first paragraph: "of which he is not a national" (Farnleitner)
- replace the words "without prejudice to" by "in accordance with" (Farnleitner, Hain)

Article III-8 (ex Article 20)

Member States shall adopt the necessary provisions to secure diplomatic and consular protection of citizens of the Union in third countries, as referred to in [Article I-8].

A European law of the Council may establish the measures necessary to facilitate such protection. It shall act after consulting the European Parliament.

Analysis of amendments:

- make the ordinary legislative procedure applicable to the second paragraph (Duhamel + Berès, Kaufmann)
- add a paragraph on respect by the Union of national constitutions and of the ECHR (Bonde)

Article III-10 (ex Article 22)

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of [Article I-7] and of [this Title]. This report shall take account of the development of the Union.

On this basis, and without prejudice to the other provisions of the Constitution, a European law or framework law of the Council may add to the rights laid down in [Article I-8]. The Council shall act unanimously after obtaining the consent of the European Parliament. This law or framework law shall not enter into force until each Member State has given its approval in accordance with its constitutional requirements.

Analysis of amendments:

- make the ordinary legislative procedure applicable to the second paragraph (while maintaining the requirement of national ratification (am. 1 Duhamel + Berès)
- insert "to the Committee of the Regions" into the first sentence (Chabert)
- correct the reference (which should be Article I-8) (several Convention members)

List of amendments

Article III-4

1. Kaufmann

Article III-5

1. Barnier + 3 Convention members
2. Bonde
3. Borrell + 2 Convention members
4. De Rossa
5. de Villepin
6. Dybkjaer
7. Gabaglio
8. Hain
9. Kaufmann + 1 Convention member
10. Maij-Weggen
11. Michel + 4 Convention members
12. Paciotti
13. Paciotti
14. Sigmund + 2 Convention members
15. Thorning-Schmidt
16. Van Lancker + 19 Convention members
17. Voggenhuber + 3 Convention members
18. de Vries + 1 Convention member

Article III-6

1. Barnier + 3 Convention members
2. Chabert + 5 Convention members
3. Duhamel + 1 Convention member
4. Farnleitner
5. Hain
6. Kaufmann
7. de Vries + 1 Convention member
8. Fischer

Article III-7

1. Barnier + 3 Convention members
2. Chabert + 5 Convention members
3. Duhamel + 1 Convention member
4. Farnleitner
5. Hain
6. Kaufmann
7. Maij-Weggen
8. Voggenhuber + 6 Convention members

Article III-8

1. Bonde
2. Duhamel + 1 Convention member
3. Kaufmann

Article III-10

1. Chabert + 5 Convention members
 2. Duhamel + 1 Convention member
 3. Hain
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SUMMARY SHEET OF PROPOSED AMENDMENTS

PART III, TITLE III – CHAPTER I (INTERNAL MARKET)

Article III-11

Paragraph 1

- Add Articles III-60, II-61 and III-94 (*am.1 Kaufmann*).

Paragraph 2

- Place "goods" third instead of first (*ibid*).

Paragraph 3

- Stipulate the ordinary legislative procedure (*ibid*).

Article III-12

- Stipulate that the new Member States and the poorest parts of the existing Member States may opt not to apply the internal market provisions within on their own territory, for their own goods, until such derogations are revoked, in whole or in part, by a qualified majority (*am.1 Bonde*).

Article III-13

- Drafting amendment (Hain).

Article III-15

Paragraph 1

- Drafting amendments in order to use the wording of ex-Article 39 TEC (*am.1 Hain; am.2 Kaufmann*).

Paragraph 3

- In (d), replace "regulations" with "laws" (*am.2 Kaufmann*).

Article III-16

- Make it possible for the Member States to provide for derogations (*am.1 Bonde*).
- Add the Committee of the Regions (*am.2 Chabert*).

Article III-17

- Add the Committee of the Regions (*am.1 Chabert*).

Article III-18

- Make it possible for the Member States to provide for derogations (*am.1 Bonde*).
- Require the Council to act unanimously (*am.2 Lang + 4 members; am.5 Roche; am.7 Teufel; am.8 Christophersen; am.9 Hain; am.13 Fischer*).
- Maintain the current procedure, but include provision for consultation of the Economic and Social Committee (*am.6 Sigmund and 2 observers*).
- Extend the scope of the article to family members and to other persons legally resident in the Union (*am.3 Michel + 4; similar amendments include am.11 van Lancker + 15 and am.12 Barnier and Vitorino*).
- In keeping with the preceding amendment, insert this provision in a new subsection 4, "coordination of social security systems", replacing the word "workers" with "European citizens" (*am.4 Pieters*).

Article III-19

- Drafting amendment (*Hain*).

Article III-20

- Provide a derogation clause for the Member States (*am.1 Bonde*).
- Add the Committee of the Regions (*am.2 Chabert*).

Article III-21

- Add the Committee of the Regions (*am.1 Chabert*).

Article III-23

- Require unanimity for the coordination of provisions concerning the taking-up of self-employment (*am.1 Roche*) or when the implementation of framework laws in at least one Member State involves amendment of the existing principles laid down by law governing the professions with respect to training and conditions of access for natural (**or legal**) persons (*am.2 Teufel*).
- Mention that Article III-18 on social security is applicable (*am.4 Farnleitner*).

- Add the Committee of the Regions (*am.2 Chabert*).

Article III-26

Add the Committee of the Regions (*am.1 Chabert*).

Article III-29

- Add the Committee of the Regions (*am.1 Chabert*).
- Reference to Article III-18 (*am.2 Farnleitner*).

Article III-30

- Add the Committee of the Regions (*am.1 Chabert*).

Article III-32

- Add that this chapter does not prevent public authorities from setting certain quality requirements for services of general interest or local and regional authorities from providing services of public interest within their own territories, on condition that the provider is subject to transparency rules and not receiving any subsidies. (*am.1 Bonde*).
- Add that this chapter does not encroach upon Member States' responsibilities for the financing and organisation of health services (*am.2 Tiilikainen + 5*).

Article III-33a

- Lay down a new provision guaranteeing workers, employers or their respective organisations the right to take sympathetic action across the Member States' borders (*am.1 Hjelm-Wallén + 3 Swedish members*).

Article III-36

- Stipulate the ordinary legislative procedure for fixing Common Customs Tariff duties (*am.1 Kaufmann*).

Article III-37

- Add in (d) rational and environmentally sound development of production and an appropriate level of consumption (*am.1 Fayot; am.2 Kaufmann and am.3 Thorning-Schmidt* for the second element).

Article III-38

- Add the sentence: "These measures shall not concern the application of national criminal law and the national administration of justice." (*am.1 Hain*).

Article III-39

- Add a paragraph stipulating that the principle of free movement of goods may not be interpreted as affecting the exercise of fundamental rights, including the right to strike (*am. 1 Gabaglio*).

Article III-40

- Add the protection of the environment (*am.1 Fayot; am.3 Farnleitner*) and consumer protection (*am.2 Kaufmann*).

Article III-43

- In paragraphs 2 and 3, provide for consultation of the Economic and Social Committee (*am.2 Borrell + 2; am.4 Sigmund*).
- In paragraph 2, add capital movements which might compromise tax revenue or the proper operation of tax systems within the Union, by encouraging tax fraud or tax evasion (*am.5 Barnier and Vitorino*).
- Delete paragraph 3 (*am.3 Kaufmann*).
- Delete the unanimity requirement in paragraph 3 (*am.6 Voggenhuber + 3*).
- Make derogations possible for the new Member States and for the poorest areas of the existing Member States (*am.1 Bonde*).

Article III-45

- Add consultation of the European Parliament (*am.1 Kaufmann*).

Article III-46

- Delete the article (*am.3 de Vries*).
- Specify that the European regulations or decisions must identify the natural or legal persons,

groups or entities covered by the measures (*am.1 Palacio*).

Article III-47

- In 3(c), add ecological progress (*am.2 Kaufmann*) or environmental progress (*am.4 Fayot; am.5 Thorning-Schmidt; am.6 Voggenhuber + 3*), which calls for the deletion of paragraph 3(c)(ii).
- Stipulate that agreements concluded in collective bargaining between social partners for social policy purposes do not fall under paragraph 1 (*am.3 van Lancker + 9 members*).
- Provide that companies infringing the competition rules must, in principle, pay compensation, to customers who can demonstrate a loss (*am.1 Bonde*).

Article III-49

- Stipulate the ordinary legislative procedure instead of a Council act after consulting the European Parliament (*am.1 Fischer and am.2 Kaufmann*).

Article III-50

- Delete the word "internal" before "law" (*am.1 Hain*).

Article III-51

- State that companies misusing a dominating position must pay compensation to customers (*am.1 Bonde*).
- Provide that agreements concluded in negotiations between management and labour for the purpose of improving conditions of work and employment fall outside the scope of the article (*am.2 Gabaglio*).
- Add that the Commission may adopt regulations relating to categories of agreements on which the Council has acted in accordance with Article 83(2)(b) (*am.3 Barnier and Vitorino*).

Article III-52

- In paragraph 2, delete "economic" (*am.2 Kaufmann; am.3 van Lancker + 9 members; am.7 Paciotti + 16 members*) or add services of "social" interest, with reference to Article III-3 (*am.1 De Rossa*).
- Include the possibility of adopting framework laws (*am.2 Kaufmann*).
- Reference to the Charter (Part II of the Constitution) (*am.7 above*).
- In paragraph 3, state that the European regulations are binding only as regards the result to be achieved (*am.4 Hain*).
- Make provision for European laws in paragraph 3 (*am.5 Wuermeling*).
- Replace paragraph 2 by a paragraph making provision for a role for the entities responsible for organising the service in question (*am.6 Voggenhuber + 3*).

Article III-53

- Accept as State aid compatible with the internal market for the purposes of paragraph 1:
 - aid for the islands referred to in the second paragraph of Article III-111 (*am.1 de Villepin*);
 - aid to promote activities for the protection of the environment (*am.2 Fayot; am.9 Voggenhuber + 3; am.7 Hjelm-Wallén is similar*);
 - aid to promote culture and heritage conservation (*am.4 Michel + 4 members*);
 - aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest (*am.5 Teufel + 2*).
- Specify that an advantage granted by a public authority to an undertaking administering services of general interest does not constitute State aid if that advantage does not exceed the extra expense incurred by the undertaking in ensuring continuity and universality of service (*am.6 van Lancker + 8 members*).
- Stipulate the ordinary legislative procedure in order to determine the categories of aid to be considered compatible with the internal market (*am.3 Kaufmann*).
- Include the Committee of the Regions (*am.8 Chabert*).

Article III-54

- Add a new paragraph stipulating that the Commission may adopt regulations relating to categories of State aid which, in accordance with Article 89, the Council has decided may be exempted from the procedure laid down in paragraph 3 (*am.1 Barnier and Vitorino*).
- Require consultation of the Committee of the Regions and of regional and local authorities (*am.2 Chabert*).

Article III-55

- Replace a Council act with the ordinary legislative procedure (*am.1 Fischer and am.2 Kaufmann*) or a European law (*am.4 Wuermeling*).
- Require consultation of the Committee of the Regions (*am.3 Chabert*).

Article III-59

- Stipulate the ordinary legislative procedure in paragraph 1 and delete paragraph 2 (*am.1 Berès + 4; am.3 Brok + 22 members; am.8 Michel + 4*, which includes a list of direct and indirect taxation measures).
- Add company taxation to paragraph 1 (*am.1 Berès + 4*).
- Add tax evasion (*am.18 de Vries + 1*).
- Stipulate a qualified majority for administrative cooperation in combating fraud in paragraph 1 and unanimity (by way of derogation) in paragraph 2 (new) for excise duties. Specify that this article does not apply to energy taxation having environmental protection as its main objective (*am.23 Fischer*).
- Maintain the procedure, but replace unanimity by a qualified majority in the Council (*am.5 Duff; am.13 Lequiller; am.14 Lamassoure*).
- Stipulate a qualified majority for tax measures relating to the environment (*am.6 Fayot*), the environment and energy taxation (*am.19 Tiilikainen + 5*), tax evasion (*am.20 Farnleitner*), tax evasion and the modernisation or simplification of existing legislation, (*am.5 Duff + am.11 Barnier + 3* which deletes "administrative cooperation") or the internal market and situations involving discrimination, double remission or double taxation (*am.4 de Villepin*).
- Require unanimity without any exception, by deleting the paragraph 2 (*am.7 Hjelm-Wallén + 4 members; am.9 Roche; am.15 Hain; am.21 Hübner*).
- Have the Council act by a super-qualified majority and the Parliament by a majority of its

constituent members (*am.16 Voggenhuber + 2*)

- Specify that this provision does not prevent Member States from protecting sustainable energy production (*am.2 Bonde*).
- Add the Committee of the Regions (*am.12 Chabert*) or the Economic and Social Committee (*am.20 Farnleitner*).

Article III-60

- Delete the article because it requires prior unanimity in the Council. (*am.2 Duff; am.13 Barnier + 3*, see their amendment to Article III-62 below) or, conversely, because of a desire to continue to require unanimity in all cases concerned (*am.4 Hjelm-Wallén + 4 members; am.6 Roche; am.10 Hain*).
- Stipulate the ordinary legislative procedure (*am.5 Michel + 4; am.8 Duhamel + 14*).
- Replace unanimity by a qualified majority and add tax evasion, the internal market and situations involving discrimination, double remission or double taxation (*am.1 de Villepin; am.9 Lequiller; see also am.3 Gabaglio*).
- Replace unanimity by a qualified majority for certain cross-border aspects of direct taxation and energy taxation, having environmental protection as its main objective (*am.15 Fischer*).
- Word the provision in the same way as Article III-59 (*am.7 Teufel; am.12 Farnleitner*).
- Stipulate that measures to harmonise national provisions on direct taxation are to be adopted by the Council only if such harmonisation is necessary for the functioning of the internal market or to avoid distortion of competition (*am.11 Wuermeling*).

Article III-61

- Stipulate the ordinary legislative procedure (*am.1 Duhamel*).
- Have the Council act by a qualified majority (*am.3 Wuermeling*).
- Replace European Parliament's opinion by its consent (*am.2 Kaufmann*).
- Merge Articles III-61 and 62 and delete Articles III-63 and 64, while stipulating the ordinary legislative procedure (*am.4 Brok*).
- Add the Committee of the Regions (*am.5 Chabert*).

Article III-62

- Specify that paragraph 1 does not apply to fiscal provisions, with the exception of measures concerning the tax bases applicable to companies, administrative cooperation measures and the fight against tax fraud and tax evasion (*am.2 Duff; am.3 Barnier and Vitorino*).
- Add the protection of animals in paragraph 2 (*am.10 Maij-Weggen*).
- Measures for the approximation of national rules must primarily and directly concern the functioning of the internal market and, actually be designed to eliminate obstacles to the free movement of persons, goods, capital and services or to avoid distortion of competition (*am.4 Teufel + 2*).
- Add: in paragraph 3, veterinary protection and the highest level of protection; in paragraph 5, the precautionary principle; and in paragraph 6, a "sunset clause" if the Commission does not propose measures to be adopted (*am.1 Bonde*).
- Stipulate the highest level of protection prevailing in any Member State and higher levels prevailing elsewhere (*am.9 Thorning- Schmidt*).
- Add the Committee of the Regions (*am.8 Chabert*).

Article III-63

- Replace the ordinary legislative procedure by a Council act (*am.1 Roche*).
- Drafting amendment (*am.2 Hain*).

Article III-65 (new)

- Delete the last two sentences on unanimity for language arrangements (*am.1 Hjelm-Wallén + 2; am.2 Kaufmann; am.3 Lennmarker; am.4 Duhamel + 1; am.8 de Vries; am.10 Barnier and Vitorino*).
- Add the European company statute (*am.5 Wuermeling*).
- Replace "intellectual" with "industrial" and "authorisation, coordination and supervision" with "application and registration" (*am.9 Tiilikainen + 5*).
- Drafting amendment (*am.7 Hain*)

List of amendments

Section 1

Article III-11

1. Kaufmann

Article III-12

1. Bonde

Article III-13

1. Hain

Section 2

Article III-15

1. Hain
2. Kaufmann

Article III-16

1. Bonde
2. Chabert + 5 Convention members
3. Lopes + 1 Convention member

Article III-17

1. Chabert + 5 Convention members

Article III-18

1. Bonde
2. Lang + 4 Convention members
3. Michel + 4 Convention members
4. Pieters
5. Roche
6. Sigmund + 2 Convention members
7. Teufel
8. Christophersen
9. Hain
10. De Vries + 1 Convention member
11. Van Lancker + 15 Convention members
12. Barnier + 3 Convention members
13. Fischer

Article III-19

1. Hain

Article III-20

1. Bonde
2. Chabert + 5 Convention members

Article III-21

1. Chabert + 5 Convention members

Article III-23

1. Roche
2. Teufel
3. Chabert + 5 Convention members
4. Farnleitner

Article III-26

1. Chabert + 5 Convention members

Article III-29

1. Chabert + 5 Convention members
2. Farnleitner

Article III-30

1. Chabert + 5 Convention members

Article III-32

1. Bonde
2. Tiilikainen + 5 Convention members

Article III-33

1. Hain
2. Hjelm-Wallén + 2 Convention members

Article III-36

1. Kaufmann

Article III-37

1. Fayot
2. Kaufmann
3. Thorning-Schmidt

Article III-38

1. Hain

Article III-39

1. Gabaglio

Article III-40

1. Fayot
2. Kaufmann
3. Farnleitner

Section 4

Article III-43

1. Bonde
2. Borrell + 2 Convention members
3. Kaufmann
4. Sigmund + 2 Convention members
5. Barnier + 3 Convention members
6. Voggenhuber +3 Convention members

Article III-45

1. Kaufmann

Article III-46

1. Palacio
2. Hain
3. de Vries + 1 Convention member

Article III-47

1. Bonde
2. Kaufmann
3. Van Lancker + 9 Convention members
4. Fayot
5. Thorning-Schmidt
6. Voggenhuber + 3 Convention members
7. de Vries + 1 Convention member

Article III-49

1. Fischer
2. Kaufmann

Article III-50

1. Hain

Article III-51

1. Bonde
2. Gabaglio
3. Barnier + 3 Convention members

Article III-52

1. De Rossa
2. Kaufmann
3. Van Lancker + 10 Convention members
4. Hain
5. Wuermeling
6. Voggenhuber + 4 Convention members
7. Paciotti + 16 Convention members

Article III-53

1. de Villepin
2. Fayot
3. Kaufmann
4. Michel + 4 Convention members
5. Teufel + 2 Convention members
6. Van Lancker + 8 Convention members
7. Hjelm-Wallén
8. Chabert + 5 Convention members
9. Voggenhuber + 3 Convention members

Article III-54

1. Barnier + 3 Convention members
2. Chabert + 5 Convention members

Article III-55

1. Fischer
2. Kaufmann
3. Chabert + 5 Convention members
4. Wuermeling

Section 6

Article III-57

1. Hain

Article III-59

1. Berès + 4 Convention members
2. Bonde
3. Brok + 22 Convention members
4. de Villepin
5. Duff
6. Fayot
7. Hjelm-Wallén + 4 Convention members
8. Michel
9. Roche
10. Teufel
- 11.
12. Chabert + 5 Convention members
13. Lequiller
14. Lamassoure
15. Hain
16. Voggenhuber + 2 Convention members
17. Van Lancker + 16 Convention members
18. De Vries + 1 Convention member
19. Tiilikainen + 5 Convention members
20. Farnleitner
21. Hübner
22. Barnier + 3 Convention members
23. Fischer

Article III-60

1. de Villepin
2. Duff
3. Gabaglio
4. Hjelm-Wallén + 4 Convention members
5. Michel + 4 Convention members
6. Roche
7. Teufel
8. Duhamel + 14 Convention members
9. Lequiller
10. Hain
11. Wuermeling + 1 Convention members
12. Farnleitner
13. Barnier + 3 Convention members
14. Fischer

Section 7

Article III-61

1. Duhamel + 1 Convention member
2. Kaufmann
3. Wuermeling
4. Brok + 23 Convention members
5. Chabert + 5 Convention members

Article III-62

1. Bonde
2. Duff
3. Barnier + 3 Convention members
4. Teufel + 2 Convention members
5. Wuermeling
6. Bonde + 2 Convention members
7. Hjelm-Wallén
8. Chabert + 5 Convention members
9. Thorning Schmidt
10. Maij-Weggen

Article III-63

1. Roche
2. Hain

Article III-65

1. Hjelm-Wallén + 2 Convention members
 2. Kaufmann
 3. Lennmarker
 4. Duhamel + 1 Convention member
 5. Wuermeling
 6. Roche
 7. Hain
 8. de Vries
 9. Tiilikainen
 10. Barnier + 3 Convention members
-

SUMMARY SHEET OF PROPOSED AMENDMENTS

PARTIE III, TITLE III: INTERNAL POLICIES AND ACTION

Chapter II – Economic and monetary policy

Section I – Economic Policy

Article III-66

- Two amendments propose that this article should not be included in the section on economic policy but come under a separate heading of "Economic and Monetary Union" (am.3 Brok + 25, am.5 Farnleitner). One amendment proposes deleting the article altogether (am.6 Gabaglio).
- Several amendments suggest the inclusion of a reference to social policy in either paragraph 1 or 2 or both (am.2 Borrell + 2, am.4 De Rossa, am.9, Kaufmann + 20, am.10 Sigmund +2, am.11 Voggenhuber + 3).
- Two amendments suggest a number of editorial modifications designed to update the text and better align it with the rest of the Constitution, as well as to include an explicit reference to irrevocable exchange rates (am.3 Brok + 25, am.5 Farnleitner)
- Two amendments propose to replace the word 'stable' with 'sustainable' in paragraph 3 (am.7 Hain, am.8 Hjelm-Wallén + 2). One amendment suggests including a reference to 'full employment' in paragraph 3 (am.1 Bonde).

Article III-67

- Several amendments seek to include a reference to an "open social market economy" (am.1 Borrell + 2, am.3 Kaufmann + 20, am.4 Sigmund + 2, am.5 Voggenhuber + 3). There is also a proposal to include a reference to environmental policy integration (am.5 Voggenhuber + 3).

Article III-68

- Several amendments propose that the 'recommendation' of the Commission in either paragraphs 2 or 4 or both be replaced by a Commission 'proposal' (am.1 Barnier + 3, am.2 Berès + 13, am.5 Gabaglio, am.8 Hubner, am.11 Kaufmann, am.12 Lang, am.13 Lequiller, am.19 de Vries + 1).

- Some amendments envisage a greater role for the European Parliament in the procedures. There is a proposal that the Broad Economic Policy Guidelines should be adopted by a joint decision of the Council and European Parliament (with consultation of national parliaments) (am.2 Berès + 13). Others suggest consultation of the EP (and for some also the Economic and Social Committee) (am.3 Borrell + 2, am.5 Gabaglio, am.11 Kaufmann, am.15 Sigmund + 2, am.18 Voggenhuber + 3). There are also suggestions that national parliaments be kept informed (am.7 Helle, am.14 Michel + 3).
- One amendment proposes reverting to current treaty language by deleting the reference to the Commission issuing early warnings (am.17 de Villepin, am.21 Fischer). Two other amendments propose to delete the reference to the exclusion of the vote of the Member State concerned in paragraph 4 (am.6 Hain, am.9 Hjelm-Wallén).
- A number of amendments propose that in paragraph 6 the rules on multilateral surveillance be fixed by a law of the Council rather than under the normal legislative procedure (am.6 Hain am.7 Helle, am.10 Hjelm-Wallén + 2, am.16 Tiilikainen, am.17 de Villepin, am.19 de Vries, am.21 Fischer).
- One amendment proposes that the monitoring of economic developments provided for in paragraph 2 fall to the Commission rather than the Council (am.2 Berès + 20). Another proposes deleting the reference in paragraph 4 to the BEPGs (am.20 Wuermeling + 1).

Article III-69

- Two amendments propose that the measures provided for in paragraph 1 be adopted by a European law (am.2 Michel + 2, am.3 Van Lancker + 1). One amendment proposes that the decision provided for under paragraph 2 should require the prior approval of the European Parliament (am.1 Kaufmann).

Article III-70

- This article is the subject of only one amendment addressing the issue of representation in the ECB, as well as introducing restrictions on loans given by the European Investment Bank (am.1 Bonde).

Article III-71

- This article is the subject of only one amendment, which proposes some editorial changes in paragraph 1, and suggests replacing the "regulations or decisions" in paragraph 2 with a European law (am.1 Kaufmann).

Article III-72

- This article is the subject of only one amendment, which proposes some editorial changes in paragraph 1, and suggests replacing the "regulations or decisions" in paragraph 2 with a European law (am.1 Kaufmann).

Article III-73

- Several amendments propose to revert to the existing text in paragraph 6 by replacing Commission 'proposal' with 'recommendation' (am.5 Hain, am.6 Hjelm-Wallén + 2, am.10 de Villepin, am.13 Fischer). In addition, two amendments propose to revert to giving the Council the role of early warning rather than the Commission (am.2 Farnleitner, am.5 Hain) and two propose to delete the reference to the vote of the Member State being excluded (am.6 Hjelm-Wallén + 2, am.5 Hain (for paragraph 6 only)).
- Several amendments propose that the Commission should be given the right to make proposals rather than recommendations within the provisions of paragraph 7 (am.1 Berès + 14, am.7 Gabaglio, am.12 de Vries + 1). There is also a proposal to exclude the vote of the Member State concerned within the provisions of paragraph 7 (am.12 de Vries + 1).
- There are three amendments proposing that in paragraph 13, the most appropriate instrument for replacing the Protocol on the excessive deficit procedure should be a European law (am.8 Kaufmann, am.9 Michel + 4, am.11 Voggenhuber + 3).
- There is one amendment seeking consultation of the European Parliament throughout the procedures (am.11 Voggenhuber + 3).
- Two amendments suggest replacing the word 'steps' by 'measures' in paragraph 9 in order to align it more correctly with the current treaty (am.2 Farnleitner, am.7 Hjelm-Wallén + 2).

Section 2 – Monetary Policy

Article III-74

- Several amendments propose to introduce in paragraph 1 a reference to a social market economy (am.1 Berès + 18, am.3 De Rossa, am.5 Gabaglio, am.9 Kaufmann + 12, am.13 Sigmund + 2).
- A large number of amendments propose replacing the suggested legislative procedure in paragraph 6 on rules concerning prudential supervision with the special legislative procedure (law of the Council adopted by unanimity) (am.2 Brok + 26, am.6 Hain, am.7 Heller, am.8 Hjelm-Wallén + 2, am.10 Kauppi, am.11 Lang + 4, am.12 Roche, am.14 Tiilikainen + 4, am.15 de Villepin, am.17 Fischer).
- There is one editorial amendment to paragraph 1 (am.7 Helle), as well as a proposed substantive change to this paragraph which is incompatible with the text of article I-29 in Part I of the Constitution.

Article III-75

- One amendment proposes that the instrument referred to in paragraph 2 should be subject to the normal rather than special legislative procedure (am.1 Kaufmann). Another contribution seeks to clarify that it is a law or framework law of the Council with consultation of the EP (am.3 Fischer). A third contribution queries whether the text of this article is entirely compatible with Article I-29 (am.2 Tiilikainen + 5).

Article III-76

- The amendments to this article are concerned exclusively with the proposed instruments and procedures in paragraph 5. All suggest that a European law (with joint decision-making with the EP) is inappropriate in both cases, and propose instead a law of the Council. There are slight differences over the proposed procedure; some suggest that the Council should decide unanimously when it acts on the basis of a proposal from the Commission, and by QMV where it acts on a recommendation from the ECB. (am.1 Brok + 25, am.3 Hain, am.4 Hjelm-Wallén, am.5 Lang + 4, am.6 Tiilikainen + 5, am.7 de Villepin, am.8 Fischer).

Article III-77

- No amendments

Article III-78

- No amendments

Article III-79

- There is one amendment to this article which proposes clarifying in paragraph 2 that publication by the ECB is without prejudice to the provisions on publication in article 38 paragraph 2, and amending paragraph 3 by replacing European decisions with European laws (am.1 Kaufmann).

Article III-80

- One amendment suggests deleting this article (am.4 de Vries + 1). Another proposes replacing the normal legislative procedure with a provision allowing the Council to adopt European laws or framework laws on its own, with consultation of the EP (am.1 Hain).
- Two other amendments concern the addition of a new article after III-80. The first proposes a short article establishing the Eurogroup (am.2 Lequiller); the second proposes transferring to the EMU chapter the article on exchange rate agreements (currently article III-223) (am.3 Tiilikainen).

Article III-81

NB: Article III-81 was deleted in the latest version of Part III of the Constitution circulated to the Convention (CONV 802), and its contents transferred to a new section 3 bis in the EMU chapter. Nevertheless the Secretariat received 7 amendments on the basis of the earlier text; these are included in the analysis below on article III-85.

Section 3 – Institutional Provisions

Article III-82

- There are two amendments to this article. The first proposes to move from 'common accord' to QMV for appointments to the Executive Board (am.1 Farnleitner). The second makes no concrete proposals at this stage, but underlines that this issue should be addressed in the IGC (am.2 Tiilikainen + 5).

Article III-83

- There is only one amendment to this article, proposing that in paragraph 3 the annual report from the ECB be sent also to national parliaments (am.1 Helle).

Article III-84

- One amendment proposes changing the composition of the Economic and Financial Committee to one representative per Member State, and three members each from the Commission and the ECB (am.1 Brok + 26).
- Two amendments propose adding a new article III-84 bis providing for the existence of the Economic Policy Committee (am.2 Palacio, am.4 de Vries + 1).
- One amendment provides for the EP to be consulted on the decision establishing detailed provisions concerning the Economic and Financial Committee, and for this decision to contain provisions on transparency (am.3 Voggenhuber + 3).

Section 3a – Provisions specific to members of the Eurozone

Article III-85

- Several amendments propose to delete entirely Article III-85a (am.5 Farnleitner, am.15 Teufel, am.22 Wuermeling). There is a proposal to provide for regular information to the EP (am.22 Voggenhuber + 3), as well as some editorial modifications (am.13 Michel + 4). In addition, one amendment specifically proposes to delete the reference to the Eurozone (am.3 Brok + 24).
- On Article III-85b, three amendments propose deletion (am.10 Hain, am.16 Tiilikainen + 5, am 18 de Vries + 1). There is one amendment proposing to delete the reference to the Eurozone (am.12 Lang + 4). One amendment submitted to old article III-81 proposes incorporating the provisions of the Eurogroup protocol in the Constitution (am 2 to III-81 Berès + 6).
- On Article III-85c, two amendments suggest that external representation of the Eurozone should be entrusted to the Commission (am.2 Berès + 6, am.4 Brok + 24). One amendment seeks to clarify that it is the Council not the Member States which decide on the Union's position internationally (am.1 Barnier + 3). Various other amendments seek either to reduce the scope of the article (am.14 Roche), align the text more closely with existing article 111.4 (am.6 Farnleitner, am.17 de Villepin), or safeguard national competences (am.19 de Vries + 1). One amendment proposes that the EP be provided with regular information on decisions taken under this article. One amendment proposes that the provisions on participation in voting refer to both paragraphs 1 and 2 (am.11 Lamassoure). An amendment submitted to old article III-81 proposes that external representation of the Eurozone be explicitly conferred on the Vice-President of the Commission responsible for economic and monetary issues.

Section 4 – Transitional Provisions

Article III-86

- Four amendments propose enlarging the list of measures on which decisions are taken by members of the Eurozone only (excessive deficits, BEPGs and multilateral surveillance) (am.1 Barnier + 3, am.3 Farnleitner, am.5 Michel + 4, am.6 de Villepin, am.7 Fischer). One amendment proposes introducing the provisions of Article III-85a into Article III-86 (am.7 Fischer). One amendment proposes to delete article 2a) (am.4 Hain). One amendment proposes specifying in paragraph 5 that the threshold is 60% (am.2 Berès + 2).

Article III-87

- One amendment proposes in paragraph 3 that decisions on abrogating a derogation be taken by QMV (am.1 Barnier + 3), another that Member States with a derogation should not participate in the vote (am.4 Michel + 4).
- One amendment proposes adding an additional cross-reference to Article III-73 paragraph 2 in paragraph 1 (b) of this article, and including a reference in 1 (c) to the European Monetary System (am.5 Fischer).
- There is one small drafting suggestion in paragraph 1 (am.2 Borrell + 2).

Article III-88

- No amendments

Article III-89

- No amendments

Article III-90

- There is one amendment which proposes replacing the reference to regulations and decisions to European laws (am.1 Kaufmann).

Article III-91

- No amendments

PROTOCOL ON EUROGROUP

- Two amendments suggest deletion, one proposing instead a declaration (am.5 Hain, am.9 Tiilikainen + 5)
 - Several amendments suggest that the chairmanship of the Eurogroup should either be held by the Commission (am.4 Duff, am.10 Voggenhuber), or that the possibility should at least be left open (am.3 Brok + 24). One amendment proposes to state explicitly that the Commission is a member of the Eurogroup (am.1 Barnier + 3), or that the Commission is involved in the preparation of the meetings (am.12 de Vries + 1).
 - On the issue of Presidency, there are proposals for at least one year (am.1 Barnier), two and a half years (am.2 Berès), deletion of all references to the Presidency (am.7 Roche), aligning the mandate with the future mandate of the Chair of ECOFIN (am.6 Michel 3). There is also an editorial proposal to refer to chairperson rather than president (am.3 Brok + 24).
 - There are amendments proposing to delete the first sentence of the preamble (am.8 Teufel), the second article (am.11 Wuermeling), and to keep the EP regularly informed (am.10 Voggenhuber + 3).
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LIST OF AMENDMENTS

Article III-66

1. Bonde
2. Borrell, Carnero, Diego Lopez-Garrido
3. Brok, Azevedo, Akcam, Almeida Garrett, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Kauppi, Kelam, Lamassoure, Lenmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Szajer, Teufel, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt
4. Proinsias De Rossa
5. Farnleitner
6. Gabaglio
7. Hain
8. Hjelm-Wallén, Petersson, Lekberg
9. Kaufmann, Van Lancker, Gabaglio, Briesch, Duhamel, Thorning-Schmidt, Carnero Gonzalez, Marinho, Fayot, Paciotti, Berès, McAvan, Berger, Einem, Di Rupo, Andriukaitis, Severin, Meyer, Martini, De Rossa, Badinter
10. Sigmund, Briesch, Frerichs
11. Voggenhuber, Wagener, Nagy, MacCormick

Article III-67

1. Borrell, Carnero, Lopez-Garrido
2. Gabaglio
3. Kaufmann, Van Lancker, Gabaglio, Briesch, Duhamel, Thorning-Schmidt, Carnero Gonzalez, Marinho, Fayot, Paciotti, Berès, McAvan, Berger, Einem, Di Rupo, Andriukaitis, Severin, Meyer, Martini, De Rossa, Badinter
4. Sigmund, Briesch, Frerichs
5. Voggenhuber, Wagener, Nagy, Lichtenberger

Article III-68

1. Barnier, Vitorino, O'Sullivan, Ponzano
2. Berès, Duhamel, Fayot, Einem, Paciotti, Van Lancker, Thorning-Schmidt, Marinho, Carnero, Berger, Andriukaitis, Severin, Martini, De Rossa
3. Borrell, Carnero, Lopez-Garrido
4. Gabaglio
5. Hain
6. Helle
7. Hübner
8. Hjelm-Wallén, Petersson, Lekberg
9. Hjelm-Wallén, Petersson, Lekberg
10. Kaufmann
11. Lang, Kelam, Hololei, Tonisson, Reinsalu
12. Lequiller
13. Michel, di Rupo, Chevalier, Nagy
14. Briesch, Frerichs
15. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula
16. de Villepin
17. Voggenhuber, Wagener, Nagy, MacCormick
18. de Vries, de Bruijn

19. Wuermeling, Altmaier
20. Fischer

Article III-69

1. Kaufmann
2. Michel, di Rupo, Van Lancker, Chevalier
3. Van Lancker, Kaufmann

Article III-70

1. Bonde

Article III-71

1. Kaufmann

Article III-72

1. Kaufmann

Article III-73

1. Berès, Duhamel, Fayot, Einem, Paciotti, Van Lancker, Marinho, Carnero, Berger, Andriukaitis, Severin, Meyer, Martini, De Rossa, Badinter
2. Farnleitner
3. Gabaglio
4. Hain
5. Hjelm-Wallén, Petersson, Lekberg
6. Hjelm-Wallén, Petersson, Lekberg
7. Kaufmann
8. Michel, di Rupo, Van Lancker, Chevalier Nagy
9. de Villepin
10. Voggenhuber, Wagener, Nagy, MacCormick
11. de Vries, de Bruijn
12. Fischer

Article III-74

1. Berès, Duhamel, Fayot, Einem, Paciotti, Kaufmann, Van Lancker, Gabaglio, Briesch, Thorning-Schmidt, Marinho, Carnero Gonzalez, McAvan, Berger, Di Rupo, Andriukaitis, Severin, Martini, De Rossa, Badinter
2. Brok, Azevedo, Akcam, Almeida Garrett, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Giannakou, Kauppi, Kelam, Lenmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Stockton, Szajer, Teufel, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt, Wuermeling
3. De Rossa
4. Gabaglio
5. Hain
6. Helle
7. Hjelm-Wallén, Petersson, Lekberg

8. Kaufmann, Van Lancker, Gabaglio, Briesch, Duhamel, Thorning-Schmidt, Carnero Gonzalez, Fayot, Paciotti, Berès, McAvan, Berger, Einem, Di Rupo
9. Kauppi
10. Lang, Kelam Hololei, Tõnisson, Reinsalu
11. Roche
12. Sigmund, Briesch, Frerichs
13. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula
14. de Villepin
15. Hjelm-Wallén, Petersson, Lekberg
16. Fischer

Article III-75

1. Kaufmann
2. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
3. Fischer

Article III-76

1. Brok, Azevedo, Akcam, Almeida Garrett, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Giannakou, Kauppi, Kelam, Lennmarker, Liepina, Maij-Weggen, Paks, Rack, Santer, Szajer, Teufel, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt
2. Hain
3. Hjelm-Wallén, Petersson, Lekberg
4. Lang, Kelam, Hololei, Tõnisson, Reinsalu
5. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
6. de Villepin
7. Fischer

Article III-79

1. Kaufmann

Article III-80

1. Hain
2. Lequiller
3. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
4. de Vries, de Bruijn

Article III-81

1. Berès, Duhamel, Fayot
2. Berès, Duhamel, Fayot, Andriukaitis, Paciotti, Floch, Horvat
3. Brok, Azevedo, Lequiller, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Kauppi, Kelam, Lennmarker, Liepina, Maij-Weggen, Paks, Rack, Santer, Szajer, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt, Wuermeling
4. Michel, di Rupo, Van Lancker Chevalier, Nagy

5. Roche

Article III-82

1. Farnleitner
2. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle

Article III-83

1. Helle

Article III-84

1. Brok, Azevedo, Akcam, Almeida Garrett, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Giannakou, Kauppi, Kelam, Lamassoure, Lennmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Szajer, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt, Wuermeling
2. Palacio
3. Voggenhuber, Wagener, Nagy, MacCormick
4. de Vries, de Bruijn

Article III-85

1. Barnier, Vitorino, O'Sullivan et Ponzano
2. Pervenche Berès, Olivier Duhamel, Ben Fayot, Emilio Gabaglio, Elena Paciotti, Jacques Floch, Franc horvat
3. Brok, Azevedo, Akcam, Almeida Garrett, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Kauppi, Kelam, Lennmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Szajer, Teufel, Van Der Linden, Vilen, Van Dijk, Wittbrodt, Wuermeling
4. Brok, Azevedo, Lequiller, Akcam, Almeida Garrett, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Kauppi, Kelam, Lennmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Szajer, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt, Wuermeling
5. Farnleitner
6. Farnleitner
7. Hain
8. Lamassoure
9. Lang, Kelam, Hololei, Tõnisson, Reinsalu
10. Michel, di Rupo, Van Lancker, Chevalier, Nagy
11. Roche
12. Teufel
13. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
14. de Villepin
15. de Vries, de Bruijn
16. de Vries, de Bruijn
17. Voggenhuber, Wagener, Nagy, MacCormick
18. Voggenhuber, Wagener, Nagy, MacCormick
19. Wuermeling

Article III-86

1. Barnier, Vitorino, O'Sullivan, Ponzano

2. Berès, Duhamel, Fayot
3. Farnleitner
4. Hain
5. Michel, di Rupo, Van Lancker, Chevalier, Nagy
6. de Villepin
7. Fischer

Article III-87

1. Barnier, Vitorino, O'Sullivan, Ponzano
2. Borrell, Carnero, Lopez-Garrido
3. Michel, di Rupo, Van Lancker, Chevalier, Nagy
4. Fischer

Article III-88

1. Kaufmann

Article III-89

1. Kaufmann

PROTOCOL ON EUROGROUP

LIST OF AMENDMENTS

1. Barnier, Vitorino, O'Sullivan, Ponzano
 2. Berès, Lancker, Duhamel, Marinho, Paciotti, Carnero, Severin, Meyer, Thorning-Schmidt, Fayot, Martini, De Rossa
 3. Brok, Azevedo, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Giannakou, Kauppi, Kelam, Lennmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Szajer, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt, Wuermeling
 4. Duff
 5. Hain
 6. Michel, di Rupo, Van Lancker, Chevalier, Nagy
 7. Roche
 8. Teufel
 9. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
 10. Voggenhuber, Wagener, Nagy, MacCormick
 11. Wuermeling, Peter Altmaier
 12. de Vries, de Bruijn
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SUMMARY SHEET OF PROPOSED AMENDMENTS

PART III, TITLE III, CHAPTER III

Section 1:

Mr Farnleitner requested that the whole of Section 1 be moved to Chapter V – areas where the Union may decide to take coordinating, complementary or supporting action.

Mr Duff proposed merging Articles III-92 to 94 into a single article.

Article III-92

Mr Gabaglio requested that "employment" be replaced by "full employment".

Article III-93

Paragraph 1:

The amendment tabled by Ms Van Lancker + 9 members calls for the chronology and need for compatibility between national employment policies and the broad economic policy guidelines (BEPG) to be inverted, and hence for national employment policies to be taken into account when the BEPG are drawn up.

Paragraph 1:

Mr Gabaglio requested that "employment" be replaced by "full employment".

Article III-94

Many Convention members requested that "employment" be replaced by "full employment" (am. Gabaglio, am. De Rossa, am. Kaufmann + 12, Roche, Tiilikainen + 5).

Mr Gabaglio would like to replace paragraph 2 with wording to constitute a legal basis for the adoption by the Council of regulations and decisions to promote the role of the social partners in the coordination of employment policies.

Article III-95

Mr Gabaglio would like reference to guidelines *for full employment* throughout this provision.

Paragraph 2: delete the words "each year" (de Vries and de Bruijn)

Paragraph 4:

- Mr Borrell , Mr Carnero and Mr Lopez-Garrido: add an indication that the Council's recommendations will be made public.
- Mr Hain: add that the Council may adopt recommendations "if it considers it appropriate in the light of that examination".
- replace the recommendation with a Commission proposal (de Vries and de Bruijn)

Paragraph 5: Mr de Villepin proposed that the European Parliament should be consulted on the draft joint report by the Council and the Commission.

Article III-97

Mr Gabaglio asked that in the English version the words "management and labour" should be replaced by "the social partners".

Article III-98

In the first paragraph, many Convention members asked that the reference to high employment should be replaced by a reference to *full employment* (am. De Rossa, Gabaglio who also asked that the text should refer to the promotion of full employment , Kaufmann + 12, Voggenhuber + 4 who wanted full employment "with quality jobs")

Mr Helle asked for a reference to the Charter of Fundamental Rights of the Union.

Mr Farnleitner asked for a reference to the principles of the European social model.

In the English version, Mr Gabaglio asked that the words "management and labour" should be replaced by "the social partners".

Mr Spini asked for an addition to the objectives of the promotion of collective and cooperative non-profit making organisations.

Mr Gabaglio proposed the insertion of a new paragraph 2a allowing the Union and the Member States to cooperate with third countries and international organisations which have competence in the area of social policy (the ILO and the Council of Europe).

In the second paragraph, Mr Hain proposed replacing "taking account of" with "respecting".

Mr Bonde: add a paragraph specifying that those Member States whose social security systems are mainly financed by taxation or collective agreements may decide on the necessary derogations but that the Council may decide to apply compensatory measures towards those Member States, if, in so doing, they gain a comparative advantage.

Mr Teufel, Mr Altmaier and Mr Wuermeling also asked for the addition of a paragraph indicating that the competences of the Member States in relation to organisation, financing and provision in social matters remained unchanged.

Article III-99

Paragraph 1

Several members of the Convention asked for a rewriting of some of the areas in which the Union may act, with the aim of deciding on those redefined matters by a qualified majority;

many amendments therefore proposed:

- specifying in point (c) that the reference was to social security and the protection of workers "with the exception of its financing and organisation" (Mr Michel and Ms Van Lancker and 20 other Convention members)
- deleting the reference in point (f) to co-determination (Mr Michel and Ms Van Lancker and 20 other Convention members, Mr Gabaglio)
- deleting point (g) (Mr Michel and Ms Van Lancker and 20 other Convention members).

In parallel with these amendments, which aim better to define the scope of the Union's action, the same Convention members as well as Mr de Vries, Mr de Bruijn, Mr Voggenhuber and 3 other Convention members proposed that paragraph 3 should be deleted, so that the legislative procedure applied to all the matters referred to in this Article. However, Mr Gabaglio asked that unanimity should be reduced to points (c) and (f) and that the "crossover" should be maintained for point (f).

Mr Barnier and Mr Vitorino (+2) asked that point (g) should be deleted and that unanimity should be maintained only for point (c), but only until 30 October 2009. They therefore also asked for the "crossover" to be abolished.

Mr de Villepin wanted all the areas referred to in Article III-99, with the exception of those under point (c) (social security and the protection of workers) to be subject to the legislative procedure, thus making the "crossover" introduced by the Nice Treaty superfluous. He also proposed:

- that point (g) should no longer refer to "conditions of employment for third-country nationals" but to their "integration", and
- that in point (j), "taking account particularly of access to accommodation" should be added.

Ms Tiilikainen and 5 other Convention members asked that point (d) should exclude unemployment benefits and that point (g) should include work permits. They asked that unanimity should be reduced to points (c) and (g).

Ms Kaufmann asked that in point (f) the words "subject to paragraph 5" be deleted.

Mr Teufel, Mr Altmaier and Mr Wuermeling proposed the addition of clarification to point (g) stating that the competence of the Member States in relation to the access of third-country nationals

to the labour market remained unaffected.

In paragraph 2, Ms Berès and 5 other Convention members requested an amendment to point (b) to allow the European framework law to establish minimum requirements in the areas referred to in points (a) to (j), not just (a) to (i).

Mr Fayot and Mr de Rossa wanted this to be extended to point (k).

Mr Hain called for the reference to instruments (law or framework law) to be deleted.

At the end of paragraph 2 and at the end of the first subparagraph of paragraph 3, Mr Gabaglio requested the addition of the social partners.

Mr Wuermeling asked for the deletion of the "crossover" provided for in paragraph 3.

Ms Van Lancker and 17 other Convention members, Mr Gabaglio, Mr Voggenhuber and 3 other Convention members called for the deletion of paragraph 6. On the other hand, Mr Wuermeling asked for an addition to this paragraph stipulating that paragraph 1(g) did not affect national competences as regards access to the labour market for third-country nationals.

Mr Teufel, Mr Altmaier and Mr Wuermeling proposed the addition of a paragraph 7 stating that the fourth paragraph of Article III-98 (an addition proposed by Mr Teufel) should apply here.

Finally in the English version Mr Gabaglio asked that the words "management and labour" be replaced by "the social partners".

Article III-100

Mr Gabaglio asked that in the English version the words "management and labour" should be replaced by "the social partners".

Paragraph 1: Mr Gabaglio wanted the addition at the end of the words "respecting their autonomy".

Paragraph 2: Mr Michel and 4 other Convention members called for the addition of the word "representative" before "management and labour", and a series of criteria to guarantee this representativeness. They also requested the publication in the Official Journal each year of the list of representative management and labour.

Article III-101

Mr Gabaglio asked that in the English version the words "management and labour" should be replaced by "the social partners".

Mr Michel and 4 other Convention members requested the addition of a new paragraph 1a creating a legal basis for the adoption of European laws determining the rules relating to the procedure for negotiating agreements between management and labour.

Paragraph 2: Mr Duff proposed that the agreement should be implemented by a Commission decision unless rejected by the Council or the European Parliament. Ms Kaufmann wanted this implementation to be by a Council regulation with the approval of Parliament, while Mr de Vries, Mr de Bruijn and Mr Hain proposed that it should be by a framework law.

Those members of the Convention who asked for Article III-99 to move to qualified majority voting requested the deletion of the second subparagraph of paragraph 2: Mr Barnier and Mr Vitorino + 2, Mr Michel + 4, Ms Kaufmann, Mr Voggenhuber + 3. Ms Tiilikainen and 5 other Convention members asked that unanimity be reduced to matters coming under points (c) to (g) of Article 99(1).

Mr Gabaglio wanted the implementation of agreements to be by a framework law of the Council following consultation of the Parliament. He also proposed that the Council should only act by unanimity for the matters referred to in points (c) and (f) of Article III-99 (1).

Mr De Rossa called for deletion of the second subparagraph of paragraph 2.

Mr Michel and 4 other Convention members wanted the Commission to inform the Parliament of its proposal and wanted Article III-101 to specify that the implemented agreements should produce the same effects as a law or framework law.

Article III-102

Mr Gabaglio asked that in the last paragraph, "the social partners" should be added as having to be consulted.

Article III-103

Mr Gabaglio asked that in paragraph 3, "the social partners" should be added as having to be consulted, while Mr Chabert + 5 requested the consultation of the Committee of the Regions.

Article III-105

– Provide for consultation of the Committee of the Regions (Chabert + 5)

Article III-106

Ms Berès + 6 requested the addition of a point (d), to establish regular consultations and appropriate contacts with civil society.

Mr Gabaglio asked that in the English version of the third paragraph, the words "management and labour" should be replaced by "the social partners". Mr Fayot requested the addition to the third paragraph of contacts by the Committee with organised civil society.

– Provide for consultation of the Committee of the Regions (Chabert + 5)

Article III-106a

Many amendments related to the introduction of a new Article 106a relating to the coordination of social policies as currently carried out by the open method of coordination. Amendments to this effect were tabled by Ms Van Lancker and Mr Michel and 11 other Convention members, Mr De Rossa, Mr Barnier and Mr Vitorino + 2 and Ms Berès + 5.

Article III-110

Mr Bonde would like the addition of a paragraph to specify that the European Social Fund only provided financial aid for the poorest half of the Member States.

Article III-111

Mr Chabert + 5 requested the addition at the end of the first paragraph of the words "and shall facilitate cross-border and inter-regional cooperation."

Mr Fayot asked for the addition of "and sustainable" after "harmonious". Ms Thorning-Schmidt and Mr Voggenhuber + 2 asked for the addition of the words "balanced and sustainable" and, at the end of the first paragraph, of "and environmental protection and improvement in keeping with the objectives set out in Article I-3."

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.

Mr de Villepin asked that the second paragraph should be reworded and that a third should be

added: it would refer to the least favoured regions and islands presenting natural handicaps and disparities in demographic density. The Union would implement specific measures to integrate island regions into the internal market.

Mr Chabert + 5 requested the addition at the end of the second paragraph of the words: "In so doing, the Union shall take into account the structural handicaps linked to insularity, remoteness, mountainous nature and low population density, particularly when these factors are combined or aggravated".

Mr Voggenhuber + 2 requested the deletion of "or islands" in the second paragraph and the addition at the end of "and at promoting environmental protection and improvement in the various regions".

Mr Hololei, and Ms Tiilikainen + 5, wanted the addition of a paragraph adding that the Union would foster cooperation with neighbouring countries and international organisations in order to encourage the sustainable and harmonious development of the Union's territory.

Article III-113

Mr Hololei and Ms Tiilikainen + 5: add that the ERDF may also aim to correct imbalances with neighbouring regions, and in doing so promote cooperation with neighbouring States.

Ms Kaufmann and Mr Voggenhuber + 2 requested the addition of "sustainable" before "development". Mr Voggenhuber + 2 also asked for the addition of "rural, urban, and fishing" after "industrial".

Article III-114

Mr Hain asked that the instrument used should be a law or framework law of the Council.

Ms Hjelm-Wallén and 3 other Convention members, and Mr Roche, asked that the text of the current EC Treaty as amended in Nice should be restored: Council decision by unanimity with a "crossover" possible from 2007. Ms Palacio, Mr Lopes and Mr Antunes asked that the transition to a qualified majority in the Council after 2007 should be subject to the prior adoption of the multiannual financial framework. Mr Hain wanted the approval of the European Parliament as well as a unanimous decision by the Council.

Mr Bonde wanted the addition of a paragraph specifying that the Structural Funds were intended for the poorest half of the Member States.

Article III-115a

Several amendments requested the addition of a new Article III-115a on services of general interest:

Ms Berès and 5 other Convention members requested the addition of a new Article III-115a creating a legal basis for the establishment by the Union, by a law or framework law, of general principles for a service of universal interest related to each service of general interest.

Mr Gabaglio requested two new articles on this subject. In Mr Gabaglio's proposal, the Council would act unanimously.

Article III-116

Mr Borrell, Mr Carnero, Mr Lopez-Garrido and Sir Neil MacCormick, asked that agriculture and fisheries should be differentiated.

Mr de Vries and Mr de Bruijn asked that the second paragraph should be divided into two.

Mr Farnleitner proposed the addition of a paragraph relating to a European agricultural model, which he defined.

Mr Duff proposed the introduction of a new Article III-116a on new objectives for agriculture and fisheries policy.

Article III-117

Mr Borrell, Mr Carnero and Mr Lopez-Garrido called for additions to the Annex I referred to in Article III-117.

Mr Duff proposed that agricultural products should be defined in this Article, and that the list of such products should be established by a European law.

Mr de Vries and Mr de Bruijn asked that "agricultural and fisheries policy " should be mentioned here, to restore the link with the title of Section 4.

Article III-118

Several Convention members proposed a revision of the objectives of the CAP: Mr Bonde, Mr Borrell, Mr Carnero, Mr Lopez-Garrido, Mr Duff, Mr Fayot, Ms Hjelm-Wallén, Mr Petersson, Mr Lekberg, Ms Thorning-Schmidt, Mr Voggenhuber + 4. All were more environmentalist and more focused on the quality of production than on quantity, as in the current text.

Ms Maij-Weggen proposed the addition of a point (d) relating to the quality of products and animal welfare.

Sir Neil MacCormick proposed the addition of two points to paragraph 2, relating to the specific characteristics of the fishing industry.

Article III-119

Mr Duff proposed a complete revision of Article III-119, setting out the matters on which the Union may legislate.

Paragraph 1:

- add "rural and environmental structural measures" (Thorning-Schmidt)

Paragraph 2:

- subparagraph 2: Mr Borrell + 2 asked for the addition of respect for Community preference.

Mr de Vries and Mr de Bruijn requested the deletion of the whole text from the end of the first subparagraph of paragraph 2.

Article III-120

- Mr Duff proposed replacement by an Article on the EAGGF.

Article III-121

Paragraph 1:

- Mr Hain requested the addition of "adopted" before "in accordance".
- Mr de Vries and Mr de Bruijn asked that "only to the extent determined" should be replaced by "having regard to what is determined".

Paragraph 2:

- Ms Kaufmann proposed the deletion of the reference to the instrument and the procedure authorising the granting of aid.
- Mr Voggenhuber + 4 proposed that the instrument should be a framework law.

Article III-122

Ms Hjelm-Wallén, Mr Petersson and Mr Lekberg proposed that the CMOs should be replaced by multiannual framework programmes adopted by European law.

In paragraph 1:

- Mr Chabert + 5 requested the consultation of the Committee of the Regions.
- Mr de Vries and Mr de Bruijn asked that "working out" should be replaced by "adapting".

In paragraph 2:

- Mr de Vries and Mr de Bruijn asked that the word "organisation" should be in the plural.
- Mr Borrell, Mr Carnero, Mr Lopez-Garrido, Ms Sigmund, Mr Briesch and Mr Frerichs proposed that laws and framework laws should be adopted after consultation of the Economic and Social Committee.
- Ms Tiilikainen + 5 proposed that horizontal rules and rules on rural development financed by the EAGGF and FIFG should be established by a framework law of the Council following consultation of the Parliament.

In paragraph 3:

- Mr Borrell, Mr Carnero, Mr Lopez-Garrido and Mr Voggenhuber + 3 proposed that the regulations should be adopted by the Commission and no longer by the Council.
- Mr de Villepin proposed that the text should be revised to add, amongst matters on which the Council may adopt regulations: the mechanisms for the common organisation of agricultural market and for rural development policy, and the arrangements for granting and level of aids.
- Ms Kaufmann proposed that the matters listed in paragraph 3 should no longer be the subject of Council regulations.
- Ms Tiilikainen + 5 proposed the deletion of "fixing prices, levies, aid and quantitative limitations", restricting the text to fishing quotas but adding control and enforcement.
- Mr Brok + 28 requested the consultation of the European Parliament.

Mr Barnier and Mr Vitorino + 2 proposed the addition of a fourth paragraph indicating that "the Commission shall adopt implementing acts for the laws, framework laws, regulations and decisions provided for in paragraphs 2 and 3".

Article III-124

Paragraph 1:

- point (a): delete the words "preserving, protecting" and add "the common heritage of Europeans" (de Villepin). Add " and of wildlife" (Maij-Weggen).

- point (c): replace "rational" with "responsible".
- add a point (e) on conservation and on the sustainable exploitation of biological diversity (de Vries and de Bruijn)

Paragraph 2:

First subparagraph:

- replace "a high" by "the highest" level of protection of the environment (Bonde).
- replace "a high level of protection" with "a high quality level" (de Villepin).
- add "the substitution principle" after "preventive action" (Hjelm-Wallén).

Second subparagraph: delete "where appropriate " and "non-economic" (Bonde).

Paragraph 3:

Point (d): replace "economic and social development" by "sustainable development" (de Villepin).

Article III-125

Paragraph 1:

- replace "shall establish what action is to be taken " by "shall adopt the measures necessary" (Fayot).

Paragraph 2:

- specify that the actions referred to include measures of a fiscal nature (Michel + 4).

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)

Ms Tiilikainen + 5 requested the deletion of points (a) to (c) and their replacement by four other points relating to town and country planning, water management, land use except for waste management, and a Member State's choice as regards energy sources and supply.

Mr Hain wanted "measures" to be replaced by "provisions".

Mr Teufel, Mr Wuermeling and Mr Altmaier wanted to add to point (b)(i) "as long as the competences of the Member States as regards planning and urbanism are respected".

Paragraph 3:

- Delete the second subparagraph (Michel + 4)

Article III-126

Ms Hjelm-Wallén would like to revise the last sentence to make clear that national measures should contribute to the objectives and correspond to the reasons in Article III-124.

Article III-126a

Mr Voggenhuber and 5 other Convention members wanted a new article creating a specific legal basis for health protection against the dangers of ionising radiation.

Article III-127

Paragraph 1:

- replace "a high level" by "the highest level" (Bonde).

Paragraph 2:

Replace with "A high level of consumer protection shall be ensured in the definition and implementation of all the Union' policies and activities" (Hjelm-Wallén, Petersson and Lekberg).

Paragraph 3:

- add a point (a)a: "other measures including those which ensure the effective enforcement of the Union's measures adopted to achieve a high level of consumer protection" (Hjelm-Wallén, Petersson and Lekberg)
- in point (b) add the consultation of the Committee of the Regions (Chabert + 5).
- add a point (c) on actions to promote the integration of consumer policy into other policies (Thorning-Schmidt).

Paragraph 4:

replace "provisions" by "measures" (Hain).

Paragraph 5:

- replace "must be compatible " with "are compatible" (Bonde).
- delete the paragraph (Hjelm-Wallén, Petersson and Lekberg).

Article III-127a

Ms Kaufmann proposed the addition of a new article.

Article III-129

Refer to Articles I-3 and III-2 (Voggenhuber + 2)

In point (c):

Add improvement in the environmental, social and economic performance of transport (Fayot).
Similarly: measures to improve the social and environmental performance of transport modes and to enhance energy saving and pollution free transport modes (Voggenhuber + 2).

Add a point (c)a on framework guidelines for trans-European transport networks (Fayot).

Clarify that the negotiation and conclusion of international transport agreements are governed by the provisions of this Section and by Article III-222 (de Villepin). Mr de Vries tabled a similar amendment but proposed the introduction of this clarification into Article III-138.

Add that environmental protection requirements must be integrated into the definition and implementation of transport policies and activities (Hjelm-Wallén).

Add a second paragraph requiring unanimity in the Council for provisions whose application was liable to have a serious affect on the standard of living and on employment in certain areas (crossing the Alps for example) (Farnleitner, Lopes and Lobo Antunes)

Article III-130

Delete the requirement for unanimity (Kaufmann).

Article III-133

Paragraph 3:

- replace "European regulations or decisions for implementing" with "a European law to implement" (Kaufmann).
- stipulate the consultation of the Committee of the Regions (Chabert + 5)

Article III-137

Delete the Article (Duff)

Article III-138

Add a paragraph 3: "The negotiation and conclusion of international agreements in the field of transport shall be governed by the provisions of this Title and Article III-222" (de Vries).

Article III-139

Replace "telecommunications" with "electronic communications " (Hain)

Article III-140

At the end of paragraph 1, Ms Kaufmann proposed the addition of "social and ecological" after "economic". Similarly, Mr Voggenhuber (+2) proposed the addition of "social and environmental".

Article III-141

Paragraph 1:

- delete "of Union industry" and add "of the Union, with the aim of creating a European research area in which researchers and scientific and technological knowledge circulates freely" (Michel + 5 and Paciotti + 17, Barnier + 3)
- replace "of Union industry" with "of the Union's economy" (de Vries and de Bruijn)

Add a paragraph 4 stating that environmental protection requirements must be integrated into the definition and implementation of research and technological development policies and activities (Hjelm-Wallén).

Article III-142

Add a new paragraph stating that "Article I-12(2) shall not apply in respect of the activities of the Union referred to above. The activities of the Union pursuant to paragraph (b) above shall be without prejudice to Member States cooperation with third countries and international organisations" (Hain).

Article III-144

Paragraph 1:

- replace "law" by "decision" (Hain).
- replace "activities of the Union " by "actions financed by the Union " (Barnier + 3, Michel + 4).
- add that this does not apply to the activities referred to in the new Article III-149a proposed by Ms Dybkjaer.

Paragraph 4:

- replace "regulations or decisions" with "European law" (Kaufmann).

Add a paragraph 5: adding that "as a complement to the actions provided for in the multiannual framework programme, the law shall adopt the necessary measures for the implementation of the European research area " (Barnier + 3, Michel + 4, Paciotti + 15).

Article III-145

Provide for consultation of the Committee of the Regions (Chabert + 5).

Article III-146

Provide for consultation of the Committee of the Regions (Chabert + 5).

Article III-147

Provide for consultation of the Committee of the Regions (Chabert + 5).

Article III-148

Add a new paragraph: "This article is without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements." (Hain)

Article III-149

- provide for consultation of the Committee of the Regions (Chabert + 5).
- add a reference to the European research area proposed by Ms Dybkjaer in a new Article III-149a.
- replace "regulations or decisions " by "a European law" (Kaufmann).
- add that the Council shall act "with due regard to the quality and standards of science and technology and the impact on innovation" (de Vries et de Bruijn).

Article III-149a

Ms Dybkjaer proposed a new article allowing for the adoption of laws and framework laws to create a European research area.

Article III-150

Delete the article (Hain, Lopes and Lobo Antunes, Teufel).

Specify in paragraph 2 that the law or framework law may only support the actions of the Member States, and delete the reference to a European space programme (Tiilikainen + 5).

Article III-151

Mr Borrell, Mr Carnero, Mr Lopez-Garrido, Ms Sigmund, Mr Briesch and Mr Frerichs propose that the Commission's report should also be addressed to the Economic and Social Committee.

Article III-152

Replace the whole Article with a text referring to the requirement to ensure sustainable development (de Villepin).

Delete the article (Teufel + 2, Hain)

Paragraph 1:

- replace "preserve" by "protect" (Borrell + 2).
- add "of economic efficiency" after "need" (Brok + 26).
- indicate that energy policy should ensure sustainability and the preservation and improvement of the environment (Voggenhuber)
- point (a): replace "ensure" with "establish prerequisites for" (Tiilikainen + 5)
- point (b):
 - add "*durable* security" (Brok + 26)
 - delete this point (Tiilikainen + 5, Wuermeling and Altmaier)
 - add "at times of crisis " (de Vries et de Bruijn)
- add a point (b)a relating to long-term security and the elimination of risks (Voggenhuber and Lichtenberger).
- add three new points relating to safety standards, the use of nuclear energy, and safety standards at nuclear installations (Farnleitner).

Add a paragraph 3 relating to cooperation by the Union and the Member States with third countries and competent international organisations, and a paragraph 4 specifying that paragraph 1 is without prejudice to national sovereignty over natural resources (de Vries and de Bruijn).

List of amendments

Article III-92

1. Duff
2. Gabaglio
3. Teufel

Article III-93

1. Duff
2. Gabaglio
3. Van Lancker + 10 Convention members

Article III-94

1. De Rossa
2. Duff
3. Gabaglio
4. Kaufmann + 13 Convention members
5. Roche
6. Tiilikainen + 5 Convention members

Article III-95

1. Borrel + 2 Convention members
2. de Villepin
3. Gabaglio
4. Hain
5. de Vries + 1 Convention member

Article III-97

1. Gabaglio

Article III-98

1. Bonde

2. De Rossa
3. Farnleitner
4. Gabaglio
5. Hain
6. Hemm
7. Kaufmann + 14 Convention members
8. Spini
9. Teufel
10. Voggenhuber

Article III-99

1. Barnier + 2 Convention members
2. Berès + 5 Convention members
3. Brok + 23 Convention members
4. De Rossa-2 Convention members
5. De Rossa-3 Convention members
6. De Rossa-6 Convention members
7. de Villepin
8. Fayot
9. Gabaglio
10. Hain
11. Kaufmann
12. Michel
13. Roche
14. Teufel + 2 Convention members
15. Tiilikainen + 4 Convention members
16. Van Lancker + 17 Convention members
17. Voggenhuber + 1 Convention member
18. de Vries + 1 Convention member
19. Wuermeling + 1 Convention member
20. Fischer

Article III-100

1. Gabaglio
2. Michel + 4 Convention members

Article III-101

1. Barnier + 3 Convention members
2. De Rossa
3. Duff
4. Gabaglio
5. Hain
6. Kaufmann
7. Michel + 4 Convention members
8. Tiilikainen + 5 Convention members
9. Voggenhuber + 3 Convention members
10. de Vries + 1 Convention member
11. Fischer

Article III-102

1. Gabaglio

Article III-103

1. Chabert + 5 Convention members
2. Gabaglio

Article III-105

1. Chabert + 5 Convention members

Article III-106

1. Barnier + 3 Convention members
2. Berès + 6 Convention members
3. Berès + 5 Convention members
4. Chabert + 5 Convention members
5. De Rossa
6. De Rossa
7. Fayot
8. Fayot
9. Gabaglio
10. Michel + 3 Convention members
11. Van Lancker + 18 Convention members

Article III-110

1. Bonde

Article III-111

1. Chabert + 5 Convention members
2. de Villepin
3. Fayot
4. Hain
5. Hjelm-Wallén + 2 Convention members
6. Hololei
7. Thorning-Schmidt
8. Tiilikainen
9. Voggenhuber
10. de Vries + 1 Convention member
11. Fischer

Article III-112

1. Chabert + 5
2. Thorning-Schmidt

Article III-113

1. Hololei
2. Kaufmann
3. Tiilikainen + 5 Convention members
4. Voggenhuber + 2 Convention members

Article III-114

1. Bonde
2. de Villepin
3. Hain
4. Hjelm-Wallén + 2 Convention members
5. Lopes
6. Palacio
7. Roche

Article III-115

1. Berès + 14 Convention members
2. Gabaglio

Article III-116

1. Borrell + 2 Convention members
2. Duff
3. Farnleitner
4. MacCormick
5. Nazaré Pereira
6. de Vries + 1 Convention member

Article III-117

1. Borrell 2 Convention members
2. Duff
3. de Vries + 1 Convention member

Article III-118

1. Bonde
2. Bonde
3. Borrell + 2 Convention members
4. Duff
5. Fayot
6. Hjelm-Wallén + 2 Convention members
7. MacCormick
8. Maij-Weggen
9. Nazaré Pereira
10. Thorning-Schmidt
11. Voggenhuber + 4 Convention members

Article III-119

1. Bonde
2. Borrell + 2 Convention members
3. Thorning-Schmidt
4. de Vries + 1 Convention member
5. Duff

Article III-120

1. Duff

Article III-121

1. Hain
2. Kaufmann
3. Voggenhuber + 3 Convention members
4. de Vries + 1 Convention member

Article III-122

1. Barnier + 3 Convention members
2. Borrell + 2 Convention members
3. Borrell + 2 Convention members
4. Brok + 29 Convention members
5. Chabert + 5 Convention members
6. de Villepin
7. Hain
8. Hjelm-Wallén + 2 Convention members
9. Kaufmann
10. Roche
11. Sigmund + 2 Convention members
12. Tiilikainen + 5 Convention members
13. Voggenhuber + 3 Convention members
14. de Vries + 1 Convention member

Article III-124

1. Bonde

2. Bonde
3. de Villepin
4. Hjelm-Wallén
5. Maij-Weggen
6. de Vries + 1 Convention member

Article III-125

1. Barnier + 3 Convention members
2. de Villepin
3. Duhamel + 14 Convention members
4. Fayot
5. Hain + 1 Convention member
6. Kaufmann
7. Lopes
8. Michel
9. Teufel
10. Tiilikainen
11. Voggenhuber
12. de Vries
13. Wuermeling
14. Lequiller

Article 126

1. Hjelm-Wallén
2. Voggenhuber + 6 Convention members

Article 127

1. Bonde
2. Chabert + 5 Convention members
3. Hain
4. Hjelm-Wallén + 2 Convention members
5. Kaufmann
6. Thorning

Article III-129

1. de Villepin
2. Farnleitner
3. Fayot
4. Hjelm-Wallén
5. Lopes + 1 Convention member
6. Voggenhuber + 2 Convention members

Article III-130

1. Kaufmann

Article III-133

1. Chabert + 5 Convention members
2. Kaufmann

Article III-137

1. Duff

Article III-138

1. de Vries + 1 Convention member

Article III-139

1. Hain

Article III-140

1. Kaufmann
2. Voggenhuber + 2 Convention members

Article III-141

1. Barnier + 3 Convention members
2. Hjelm-Wallén
3. Michel + 4 Convention members
4. Paciotti + 16 Convention members
5. de Vries + 1 Convention member

Article III-142

1. Hain

Article III-143

1. Costa + 1 Convention member

Article III-144

1. Barnier + 3 Convention members
2. Chabert + 5 Convention members
3. Dybkjaer
4. Dybkjaer
5. Hain
6. Kaufmann
7. Michel + 4 Convention members
8. Paciotti + 16 Convention members

Article III-145

1. Chabert + 5 Convention members

Article III-146

1. Chabert + 5 Convention members

Article III-147

1. Chabert + 5 Convention members

Article III-148

1. Hain

Article III-149

1. Chabert + 5 Convention members
2. Dybkjaer
3. Dybkjaer
4. Kaufmann
5. Vires + 1 Convention member

Article III-150

1. Hain
2. Lopes + 1 Convention member
3. Teufel
4. Tiilikainen + 5 Convention members

Article III-151

1. Borrell + 2 Convention members
2. Sigmund + 2 Convention members

Article III-152

1. Borrell + 2 Convention members
 2. Brok + 26 Convention members
 3. de Villepin
 4. Farnleitner
 5. Hain
 6. Teufel + 2 Convention members
 7. Tiilikainen + 5 Convention members
 8. Voggenhuber + 1 Convention member
 9. de Vries + 1 Convention member
 10. Wuermeling + 1 Convention member
 11. Fischer
-

SUMMARY SHEET OF PROPOSED AMENDMENTS

PART III, TITLE III: AREA OF FREEDOM, SECURITY AND JUSTICE

I. General analysis

Overall, the 20 Articles on an area of freedom, security and justice in Part III have attracted far fewer amendments than in previous readings. A series of the Articles attract only occasional amendments on points of detail. Only certain Articles, in particular Articles III-163 (immigration), III-166 (judicial cooperation in criminal matters), III-167 (substantive criminal law) and III-170 (European Public Prosecutor) continue to attract a higher number of amendments. On those Articles, Convention members usually resubmit positions contrary to those they adopted at the previous reading.

Thus it can be seen that there remains a minority tendency (fewer in numbers than before), which is calling for the unanimity rule either in the whole of the former third pillar or in individual cases, in addition to those instances in which the rule is already proposed by the Praesidium. A number of other members propose, conversely, that the unanimity rule be replaced throughout by a super-qualified majority or by the normal legislative procedure.

Several members have reiterated their request for Article III-170 (European Public Prosecutor) to be deleted, while a number of members continue to call for it to be strengthened by introducing the normal legislative procedure or a super-qualified Council majority or by stating that the Public Prosecutor must be established. Several of the latter members propose, however, to limit the actions of the European Public Prosecutor to crimes affecting the Union's financial interests.

II. Thematic analysis by Article

Article III–153 (ex Article 1)

- 1. The Union shall constitute an area of freedom, security and justice with respect for fundamental rights, taking into account the different legal traditions and systems of the Member States.**
- 2. It shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals, including stateless persons.**
- 3. The Union shall endeavour to ensure a high level of security by measures to prevent and combat crime, racism and xenophobia, and measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as by the mutual recognition of judgments in criminal matters and the approximation of criminal laws.**
- 4. The Union shall facilitate access to justice, in particular by the principle of mutual recognition of judicial and extrajudicial decisions in civil matters.**

Analysis of amendments:

- include an explicit reference to the Charter of Fundamental Rights where the Article states that the area of freedom, security and justice respects fundamental rights (Berès + 7)
- mention the principle of subsidiarity (Teufel)
- add "integration" after "asylum, immigration" (de Vries)
- add the aim of equal treatment of third-country nationals residing on a long-term basis (Gabaglio)
- explicit mention of "burden sharing" after "solidarity" (Rupel)
- insert a reference to drugs in paragraph 3 (Giannakou)
- reference to judicial procedures in criminal matters in the last paragraph (de Villepin)
- insert in paragraph 3 "measures to promote coordination ..." (Hain)
- insert in paragraph 3 ", where necessary, the approximation" (Hain, Roche)
- state that all the provisions on the area of freedom, security and justice apply only to those Member States that wish to participate in it on a basis of enhanced cooperation (Bonde)
- drafting amendment (Farnleitner)
- retain the headings for these Articles of Part III (Farnleitner)

Article III-154 (ex Article 2)

The European Council shall define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice.

Analysis of amendments:

- delete the Article (Lang + 4; Duff; Tiilikainen + 5)
- deletion of the concept of "legislative and operational planning", as the European Council does not exercise any legislative function (Brok + 25)
- provide for consent of the European Parliament (Kaufmann)

Article III–155 (ex Article 3)

1. Member States' national Parliaments shall ensure that the proposals and legislative initiatives submitted under Sections 4 and 5 of this Chapter comply with the principle of subsidiarity, in accordance with the arrangements in the Protocol on the application of the principles of subsidiarity and proportionality.

Member States' national Parliaments may participate in the evaluation mechanisms contained in Article III–156 of the Constitution and in the political monitoring of Europol's and Eurojust's activities in accordance with Articles III–169 and III–172.

Analysis of amendments:

- delete the Article (Tiilikainen + 5)
- align the wording of the part on Eurojust in Article I-41 (de Villepin; similar: Hain)
- in the second paragraph, mention the involvement of regional parliaments where they have competence in police matters by virtue of their national constitution (Chabert + 5)

Article III–156 (ex Article 4)

Without prejudice to Articles [III–261 to III–263], the Council may, on a proposal from the Commission, adopt European regulations or decisions laying down the arrangements whereby Member States, in collaboration with the Commission, conduct objective and impartial evaluation of the implementation of the Union policies referred to in this Chapter by Member States' authorities, in particular in order to facilitate full application of the principle of mutual recognition. The European Parliament, as well as Member States' national Parliaments, shall be informed of the content and results of the evaluation.

Analysis of amendments:

- deletion of the Article (Teufel; Duff)
- delete "in particular in order to facilitate mutual recognition" (Tiilikainen + 5)
- explicit reference to the quality of judicial systems as a subject for evaluation (de Villepin)
- state that the evaluation will not affect the independence of the judiciary (Hübner)
- provide for laws and make the normal legislative procedure applicable (Kaufmann)
- mention information of regional parliaments where they are competent under national constitutional rules (Chabert + 5)

Article III-157 (ex Article 5)

A standing committee shall be set up in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union. Without prejudice to Article [III-242], it shall facilitate coordination of the action of Member States' competent authorities. Representatives of the Union bodies and agencies concerned may be involved in the proceedings of this committee. The European Parliament and Member States' national parliaments shall be kept informed of the proceedings.

Analysis of amendments:

- provide that "the Commission shall be fully associated with the work of the committee" (Duff; Paciotti + 16)
- replace "on internal security" by "for the purposes falling within this Chapter (Hain) or by "on police and judicial matters" (Roche)
- add the task of advising the Council on the setting of priorities for the action of the Union's bodies and agencies (Hain)
- add "acting under the supervision of the Council" (Hübner)
- 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)
- reword the committee's terms of reference (Kaufmann)
- include a reference to regional and local authorities (Chabert + 5)

Article III–159 (ex Article 7)

The Council shall adopt European regulations to ensure administrative cooperation between the relevant departments of the Member States in the areas covered by this Chapter, as well as between those departments and the Commission. It shall act on a Commission proposal, without prejudice to Article [III–160], and after consulting the European Parliament.

Analysis of amendments:

- restrict the scope of the Article to Sections 2 and 3 (Hain; Roche)
- stipulate unanimity (Teufel)
- stipulate laws adopted under the normal legislative procedure (Borrell + 2; Kaufmann)
- add a reference to regions and local authorities (Chabert + 5)

Article III–160 (ex Article 8)

The acts referred to in Sections 4 and 5 of this Chapter shall be adopted:

- (a) on a proposal from the Commission, or**
- (b) on the initiative of a quarter of the Member States.**

Analysis of amendments:

- abolition of the Member States' right of initiative, either by simply deleting the Article (Michel + 4; Voggenhuber + 3) or by rewording it to enable the Commission also to submit proposals on the initiative of a group of Member States (Rupel, Duff)
- add a "sunset clause" to the effect that an initiative submitted by a group of Member States will lapse if it is not discussed by the Council within 3 months (Hübner)

Proposals for the addition of a new Article III-160a:

- addition of a new Article stating that Sections 3, 4 and 5 of this Chapter shall not affect the right of the Member States to maintain and conclude agreements with third countries or international organisations in so far as such agreements comply with Union law and other relevant international agreements (de Vries; similar: comment by Mr Hain)
- addition of an Article similar to Article III-196 stating that the Council will not vote by a qualified majority if a Member State so requests, and that the Council may refer matters relating to acts covered by this Chapter to the European Council (Hjelm-Wallén + 2)
- addition of an Article enabling the Member States to restrict to courts of final appeal the right to request the Court of Justice for provisional rulings in matters under Sections 2, 4 and 5 (de Vries).

Article III–161 (ex Article 10)

- 1. The Union shall develop a policy with a view to:**
 - (a) ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders;**
 - (b) carrying out checks on persons and efficient monitoring of the crossing of external borders;**
 - (c) the gradual introduction of a integrated management system for external borders.**
- 2. For this purpose, a European law or framework law shall establish measures concerning:**
 - (a) the common policy on visas and other short-stay residence permits;**
 - (b) the controls to which persons crossing external borders are subject;**
 - (c) the conditions under which nationals of third countries shall have the freedom to travel within the Union for a short period;**
 - (d) any measure necessary for the gradual establishment of an integrated management system for external borders;**
 - (e) the absence of any controls on persons, whatever their nationality, when crossing internal borders.**
- 3. This Article shall not affect the competence of the Member States concerning the geographical demarcation of their borders, in accordance with international law.**

Analysis of amendments:

- in the first line, insert : a policy "on the movement of persons" (Hain)
- reword paragraph 1(a) (Farnleitner)
- reference to the borders most exposed to illegal immigration (Muscardini)
- more detail in paragraph 2(a) (Hain)
- delete paragraph 3 (Hain)
- insert a paragraph on the reintroduction by a Member State of internal border controls (am. 1 Teufel)

Article III–162 (ex Article 11)

1. The Union shall develop a common policy on asylum and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and other relevant treaties.

2. For this purpose, a European law or framework law shall lay down measures for a common European asylum system comprising:

- (a) a uniform status of asylum for nationals of third countries, valid throughout the Union;**
- (b) a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection;**
- (c) a common system of temporary protection for displaced persons in the event of a massive inflow;**
- (d) common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status;**
- (e) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection;**
- (f) standards concerning the conditions for the reception of applicants for asylum or subsidiary protection;**
- (g) partnership and cooperation with third countries with a view to managing inflows of people applying for asylum or subsidiary or temporary protection.**

3. In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt European regulations or decisions comprising provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.

Analysis of amendments:

- reduce the scope of the Article to minimum rules (Teufel; Wuermeling)
- radical recasting of this Article (Hain)
- use the term "international protection" in the place of "asylum" and "subsidiary protection" (de Vries)
- the Article is without prejudice to Member States' exclusive competence as regards access to the labour market (Teufel; Wuermeling)

- provide for a single (identical) procedure for asylum and subsidiary protection (Floch)
- reformulate the first sentence (Kaufmann)
- in subparagraph (g), delete the words after "third countries" (Duff)
- insert a reference to the HCR in subparagraph (g) (de Vries)
- provide for consultation of the Economic and Social Committee (Borrell + 2, Sigmund + 2)
- provide for EP consent to regulations referred to in paragraph 3 (Kaufmann)
- in paragraph 3, provide for involvement of the regions affected by the inflow (Chabert + 5)

Article III–163 (ex Article 12)

- 1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.**
- 2. To this end, a European law or framework law shall establish measures in the following areas:**
 - (a) the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunion;**
 - (b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing the freedom of movement and of residence in other Member States;**
 - (c) illegal immigration and unauthorised residence, including removal and repatriation of persons residing without authorisation.**
- 3. The Union may conclude readmission agreements with third countries for the readmission of third-country nationals residing without authorisation to their countries of origin or provenance.**
- 4. A European law or framework law may establish measures providing incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.**

Analysis of the amendments:

- insert in the first paragraph "in accordance with the reception capacities of the Member States" (Farnleitner)
- reduce the scope of the Article to minimum rules (Teufel + Altmaier + Wuermeling)
- the Article is without prejudice to exclusive competence of the Member States on access to the labour market (Brok + 26, Teufel + Altmaier + Wuermeling) and to define the extent of immigration (Teufel + Altmaier + Wuermeling); with a similar aim it is proposed to insert in (b) "residing legally or in legal paid work" (Farnleitner)
- provide for unanimity (Teufel) or unanimity until the Council has adopted common rules and general principles for the areas covered by the Article (Fischer)
- provide for unanimity for paragraph 2(g) so that access to the labour market and social security would remain subject to unanimity (Hain)
- delete "freedom of movement" from paragraph 2(b) (Fischer)
- add "including access to work" (de Vries, Kaufmann)
- delete (g) (Farnleitner)

- provide for consultation of the Economic and Social Committee (Borrell + 2, Sigmund + 2)
- add a paragraph based on Article 63(2) TEC (measures not preventing a Member State from maintaining or introducing national provisions ...) (Farnleitner)
- delete "excluding any harmonisation of the laws ..." (de Vries)

Article III–164 (ex Article 13)

The policies of the Union set out in this Section and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the acts of the Union adopted pursuant to the provisions of this Section shall contain appropriate measures to give effect to this principle.

Analysis of the amendments:

- specify in the second sentence that the appropriate measures may contain financial provisions to assist in securing a fair sharing of responsibility (Hain)
- delete "including its financial implications" (Tiilikainen, de Vries)
- delete the second sentence (Tiilikainen)

Article III–165 (ex Article 14)

- 1. The Union shall develop judicial cooperation in civil matters having cross-border implications, based on the principle of mutual recognition of judgments and decisions in extrajudicial cases. Such cooperation may include the adoption of measures for the approximation of the laws and regulations of the Member States.**
- 2. To this end, a law or framework law shall lay down measures aimed inter alia at ensuring:**
 - (a) the mutual recognition and enforcement between Member States of judgments and decisions in extrajudicial cases;**
 - (b) the cross-border service of judicial and extrajudicial documents;**
 - (c) the compatibility of the rules applicable in the Member States concerning conflict of laws and of jurisdiction;**
 - (d) cooperation in the taking of evidence;**
 - (e) a high level of access to justice;**
 - (f) the proper functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States;**
 - (g) the development of alternative methods of dispute settlement;**
 - (h) support for the training of the judiciary and judicial staff.**
- 3. Notwithstanding paragraph 2, measures concerning those aspects of family law with cross-border implications shall be laid down in a European framework law by the Council. It shall act unanimously after consulting the European Parliament.**

The Council, on a proposal from the Commission, may adopt a European decision determining those aspects of family law with cross-border implications which may be adopted by the ordinary legislative procedure. The Council shall act unanimously after consulting the European Parliament.

Analysis of the amendments:

- delete "such cooperation may include the adoption of measures for the approximation ..." from the first paragraph (Hain)
- delete "inter alia" from the beginning of paragraph 2 (Hjelm-Wallén + 3, Hololei, de Vries)
- link the Article to the smooth functioning of the internal market (Hain, Hololei, Roche, Tiilikainen + 5)
- 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)

- replace "high level of access" by "effective access" (Hain or specify measures to attain that level (Tiilikainen + 5)
- delete "alternative methods of dispute settlement" (Teufel)
- delete the "crossover" in paragraph 3 (Teufel, Hjelm-Wallén + 3, Wuermeling + Altmaier)
- add a new Article on the harmonisation of substantive civil law in certain areas (Teufel)
- provide for consultation of the Economic and Social Committee (Borrell + 2, Sigmund + 2)

Article III–166 (ex Article 15)

1. Judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of the laws and regulations of the Member States in the areas referred to in paragraph 2 and in Article [III–167].

A European law or framework law shall establish measures to:

- (a) establish rules and procedures aimed at ensuring the recognition throughout the Union of all forms of judgments and judicial decisions;**
- (b) prevent and settle conflicts of jurisdiction between Member States;**
- (c) encourage the training of the judiciary and judicial staff;**
- (d) facilitate cooperation in criminal matters between judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.**

2. In order to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having cross-border implications, a European framework law may establish minimum rules concerning:

- (a) mutual admissibility of evidence between Member States;**
- (b) the rights of individuals in criminal procedure;**
- (c) the rights of victims of crime;**
- (d) any other specific aspects of criminal procedure which the Council has identified in advance by a European decision. The Council shall act unanimously after receiving the approval of the European Parliament.**

Adoption of such minimum rules shall not prevent Member States from maintaining or introducing a higher level of protection for the rights of individuals in criminal procedure.

Analysis of the amendments:

- provide for the adoption of framework laws only in paragraph 1 (Christophersen) or in the case of points (a) and (b) of this subparagraph (Hain)
- add to paragraph 1 a reference to the different legal traditions of the Member States (Farnleitner, Hain)
- reword (1)(b) (Farnleitner, Hain)
- delete " in criminal matters having cross-border implications" in paragraph 2 (de Villepin)

- start paragraph 2 with "insofar as is necessary" (Farnleitner, Hain)
- delete point (d) from paragraph 2 (Teufel)
- reword points (a) to (c) to limit their scope (Farnleitner, Hain)
- stipulate unanimity for paragraph 2 (Farnleitner, Hain), for this paragraph as well as point (d) of paragraph 1 (de Vries), or for the whole Article (Lopes), for the whole Article except the training of judges (Roche), or at least where the measure concerned requires the amendment of a principle of criminal law in a Member State (Teufel)
- replace unanimity with a super-qualified majority, point (d) of paragraph 2 (Michel + 4, Paciotti + 14)
- drafting amendments (Hübner)

Article III–167 (ex Article 17)

1. A European framework law may establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with cross-border dimensions resulting from the nature or impact of such offences or from a special need to combat them on a common basis.

These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

On the basis of developments in crime, the Council may adopt a European decision identifying other areas of crime that meet the criteria specified in this paragraph. It shall act unanimously after obtaining the consent of the European Parliament.

2. If the approximation of criminal legislation proves essential to ensure the effective implementation of a Union policy in an area which has been subject to harmonisation measures, a European framework law may establish minimum rules with regard to the definition of criminal offences and sanctions in the area concerned.

Without prejudice to Article [III–160], that framework law shall be adopted by the same procedure as was followed for the adoption of the harmonisation measures referred to in the preceding subparagraph.

Analysis of the amendments:

- stipulate unanimity for the whole Article (Lopes, Roche, de Vries) or at least where the measure concerned requires the amendment of a principle of criminal law in a Member State (Teufel; Wuermeling)
- in paragraph 1, add racism and xenophobia (de Villepin, Paciotti + 13), environmental crime (Hjelm-Wallén + 2, Lennmarker) the illicit use of drugs (Giannakou) domestic violence (Paciotti + 13)
- delete "organised crime" from paragraph 1 (Hain, de Vries)
- replace "computer crime" with "attacks against information systems" (Hain)
- 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)
- in the third subparagraph of paragraph 1, stipulate that the Council decision must be ratified by all the Member States (Hjelm-Wallén + 2)
- delete the third subparagraph of paragraph 1 (Teufel, Wuermeling)
- delete paragraph 2 (Teufel, Roche, Tiilikainen + 5, Wuermeling) but add the five areas to the list in paragraph 1 (Tiilikainen)
- in paragraph 2, provide for a unanimous Council decision identifying the areas of crime

concerned (Hain)

- provide that the areas covered by this Article should also limit the Union bodies' scope for action in criminal matters (Kaufmann) (Ms Kaufmann makes consequential amendments in the following Articles)

Article III–168 (ex Article 18)

A European law or framework law may establish measures to promote and support the action of Member States in the field of crime prevention. Such measures shall not include the approximation of Member States' legislative and regulatory provisions.

Analysis of the amendments:

- add a reference to regional and local authorities (Chabert + 5)

Article III–169 (ex Article 19)

- 1. Eurojust's mission shall be to support and strengthen coordination and cooperation between national prosecuting authorities in relation to serious crime affecting two or more Member States or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.**
 - 2. A European law shall determine Eurojust's structure, workings, scope of action and tasks. Those tasks may include:**
 - (a) the initiation and coordination of criminal prosecutions conducted by competent national authorities, particularly those relating to offences against the financial interests of the Union;**
 - (b) the strengthening of judicial cooperation, including by resolution of conflicts of jurisdiction and by close cooperation with the European Judicial Network.**
- A European law shall also determine arrangements for involving the European Parliament and Member States' national parliaments in the evaluation of Eurojust's activities.**
- 3. In the prosecutions referred to in this Article, and without prejudice to [Article III–170], formal acts of judicial procedure shall be adopted by the competent national officials.**

Analysis of the amendments:

- stipulate unanimity for this Article (Lopes, Roche, de Vries)
- add two new subparagraphs to paragraph 2 (de Villepin)
- speak of "requests" or "proposals" to initiate prosecutions in point (a) (Teufel, Hain) or delete the word "initiation" (Roche)
- add the concept of "investigation" to that of "prosecution" in point (a) (Hain)
- possibility of adding further Eurojust tasks by a law of the Council adopted unanimously (Hain)
- various rewordings (Kaufmann, de Vries)

Article III–170 (ex Article 20)

- 1. In order to combat serious crime having a cross-border dimension, as well as crimes affecting the interests of the Union, a European law of the Council may establish a European Public Prosecutor's Office from Eurojust. The Council shall act unanimously after approval by the European Parliament.**
- 2. The European Public Prosecutor's Office shall be responsible for investigating, prosecuting and bringing to judgment, where appropriate in liaison with Europol, the perpetrators of and accomplices in serious crimes affecting more than one Member State and of offences against the Union's financial interests, as determined by the European law provided for in paragraph 1. It shall exercise the functions of prosecutor in the competent courts of the Member States in relation to such offences.**
- 3. The European law referred to in paragraph 1 shall determine the general rules applicable to the European Public Prosecutor's Office, the conditions governing the performance of its functions, the rules of procedure applicable to its activities, as well as those governing the admissibility of evidence, and the rules applicable to the judicial review of procedural measures taken by it in the performance of its functions.**

Analysis of the amendments:

- delete the Article (Lennmarker, Hain, Roche, Tiilikainen + 5)
- confine the Public Prosecutor's Office to offences against the Union's financial interests (Brok + 21, Teufel, Lopes, Wuermeling + Altmaier) some of these Convention members, however, added protection of the euro.
- 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)
- stipulate that the Public Prosecutor's Office is to be set up not later than five years after the Constitution comes into force (Lequiller)
- provide for the Public Prosecutor's Office to be able to lead investigations conducted by Europol (Teufel) and also by OLAF and by national authorities (de Villepin, Haenel)
- at the end of paragraph 2, replace "competent courts of the Member States" with "courts appointed for this purpose" (which would include a court of the Union) (de Vries)
- provide for a public prosecutor's office to be created through closer cooperation between Member States that declare themselves in favour of creating one (Haenel)

Article III–171 (ex Article 21)

- 1. The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences.**
- 2. To this end, a European law or framework law may establish measures concerning:**
 - (a) the collection, storage, processing, analysis and exchange of relevant information;**
 - (b) support for the training and exchange of staff, equipment and research on crime-detection;**
 - (c) common investigative techniques in relation to the detection of serious forms of organised crime.**
- 3. A European law or framework law of the Council may establish measures concerning operational cooperation between the authorities referred to in this Article. The Council shall act unanimously after consulting the European Parliament.**

Analysis of the amendments:

- stipulate unanimity for the whole Article (Lopes, de Vries)
- stipulate the ordinary legislative procedure for paragraph 2 as well (Duhamel + Berès) or the super-qualified majority (Michel + 4, Paciotti + 14)
- in point (c), use the terms in the existing Treaty: "the common evaluation of particular investigative techniques" (Hain) or speak of "exchange of best practice" (Roche)
- make clear that the Article is without prejudice to the Member States' bilateral or multilateral agreements on cross-border cooperation (Teufel)
- drafting amendments (Hain)

Article III–172 (ex Article 22)

1. Europol's mission is to support and strengthen action by the Member States' police authorities and other law enforcement services and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy.

2. A European law shall determine Europol's structure, operation, field of action and tasks. These tasks may include:

- (a) the collection, storage, processing, analysis and exchange of information forwarded particularly by the authorities of the Member States or third countries or bodies;**
- (b) the coordination, organisation and implementation of investigative and operational action carried out jointly with the Member States' competent authorities or in the context of joint investigative teams, where appropriate in liaison with Eurojust.**

A European law shall also lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with Member States' national parliaments.

3. Any operational action by Europol must be carried out in liaison and in agreement with the authorities of the Member States whose territory is concerned. The application of coercive measures shall be the exclusive responsibility of the competent national authorities.

Analysis of the amendments:

- stipulate unanimity for this Article (Lopes, Roche, de Vries) or at least for creating new Europol powers (Altmaier + Wuermeling)
- in paragraph 1, insert a reference to organised crime (de Vries) and drugs (Giannakou)
- in paragraph 1, delete the reference to crimes affecting an interest of the Union (Hain)
- in paragraph 2(b), speak only of support for the national authorities (Farnleitner, Roche) or a role of proposing, supporting and participating in action by the Member States (Hain)
- speak of "supervision of Eurojust" rather than "liaison with Eurojust" (de Villepin)
- acting unanimously, the Council may specify additional tasks to those already mentioned in points (a) and (b) (Teufel)
- include a reference to regional and local authorities (Chabert + 5)

Article III–173 (ex Article 23)

A European law or framework law of the Council shall lay down the conditions and limitations under which the competent authorities of the Member States referred to in Articles III–166 and III–171 may operate in the territory of another Member State in liaison and in agreement with the authorities of that State. The Council shall act unanimously after consulting the European Parliament.

Analysis of the amendments:

- 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)
- provide for the adoption of framework laws only (Hain)
- add a reference to the authorities mentioned in Article III-165 (i.e. competent in civil matters) (Teufel)

List of amendments

Article III-153

1. Berès + 7 Convention members
2. Bonde
3. de Villepin
4. Farnleitner
5. Gabaglio
6. Giannakou
7. Hain
8. Roche
9. Rupel
10. Teufel
11. de Vries + 1 Convention member
12. Fischer

Article III-154

1. Brok + 25 Convention members
2. Duff
3. Kaufmann
4. Lang + 4 Convention members
5. Tiilikainen + 5 Convention members

Article III-155

1. Chabert + 5 Convention members
2. de Villepin
3. Hain
4. Teufel
5. Tiilikainen + 5 Convention members

Article III-156

1. Chabert + 5 Convention members
2. de Villepin
3. Duff
4. Hübner
5. Kaufmann
6. Teufel
7. Tiilikainen + 5 Convention members

Article III-157

1. Chabert + 5 Convention members
2. de Villepin
3. Duff
4. Gabaglio
5. Hain
6. Hübner
7. Kaufmann
8. Paciotti + 16 Convention members

9. Roche
10. Teufel
11. de Vries + 1 Convention member

Article III-158

1. Hain

Article III-159

1. Borrell + 2 Convention members
2. Chabert + 5 Convention members
3. Hain
4. Kaufmann
5. Roche
6. Teufel

Article III-160

1. Duff
2. Hjelm-Wallén + 2 Convention members
3. Hübner
4. Michel + 4 Convention members
5. Rupel + 1
6. Voggenhuber + 3 Convention members
7. de Vries
8. Fischer

Article III-161

1. Farnleitner
2. Hain
3. Muscardini
4. Teufel

Article III-162

1. Borrell + 2 Convention members
2. Chabert + 5 Convention members
3. Duff
4. Floch
5. Hain
6. Kaufmann
7. Muscardini
8. Sigmund + 2 Convention members
9. Teufel
10. de Vries + 1 Convention member
11. Wuermeling

Article III-163

1. Borrell + 2 Convention members
2. Brok + 26 Convention members
3. Farnleitner
4. Fischer
5. Hain

6. Kaufmann
7. Sigmund + 2 Convention members
8. Teufel
9. de Vries + 1 Convention member

Article III-164

1. Hain
2. Tiilikainen + 5 Convention members
3. de Vries + 1 Convention member

Article III-165

1. Barnier + 4 Convention members
2. Berès + 4 Convention members
3. Borrell
4. Chabert + 5 Convention members
5. Duhamel + 1 Convention member
6. Hain
7. Hjelm-Wallén
8. Hololei
9. Kaufmann
10. Paciotti + 16 Convention members
11. Roche
12. Sigmund + 2 Convention members
13. Teufel
14. Teufel
15. Tiilikainen + 5 Convention members
16. de Vries + 1 Convention member
17. Wuermeling + 1 Convention member

Article III-166

1. Christophersen
2. de Villepin
3. Farnleitner
4. Hain
5. Hübner
6. Kaufmann
7. Lopes + 1 Convention member
8. Michel + 4 Convention members
9. Paciotti + 14 Convention members
10. Roche
11. Teufel
12. de Vries + 1 Convention member

Article III-167

1. de Villepin
2. Giannakou + 1 Convention member
3. Hain
4. Hjelm-Wallén
5. Kaufmann
6. Lennmarker

7. Lopes + 1 Convention member
8. Michel + 4 Convention members
9. Paciotti + 13 Convention members
10. Roche
11. Teufel
12. Tiilikainen
13. de Vries + 1 Convention member
14. Wuermeling

Article III-168

1. Chabert

Article III-169

1. de Villepin
2. Hain
3. Kaufmann
4. Lopes + 1 Convention member
5. Roche
6. Teufel
7. de Vries + 1 Convention member

Article III-170

1. Barnier
2. Brok + 24 Convention members
3. de Villepin
4. Haenel
5. Hain
6. Kaufmann
7. Lamassoure
8. Lennmarker
9. Lequiller
10. Lopes + 1 Convention member
11. Michel
12. Muscardini
13. Paciotti + 14 Convention members
14. Roche
15. Teufel
16. Tiilikainen + 5 Convention members
17. de Vries + 1 Convention member
18. Wuermeling

Article III-171

1. Duhamel + 1 Convention member
2. Hain
3. Kaufmann
4. Lopes + 1 Convention member
5. Michel
6. Paciotti + 14 Convention members
7. Palacio
8. Roche
9. Teufel

10. de Vries + 1 Convention member

Article III-172

1. Chabert + 5 Convention members
2. de Villepin
3. Farnleitner
4. Giannakou + 1 Convention member
5. Hain
6. Kaufmann
7. Lopes + 1 Convention member
8. Roche
9. Teufel
10. de Vries + 1 Convention member
11. Wuermeling

Article III-173

1. Barnier + 3 Convention members
 2. Duhamel + 1 Convention member
 3. Hain
 4. Kaufmann
 5. Michel + 4 Convention members
 6. Paciotti + 13 Convention members
 7. Teufel
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SUMMARY SHEET OF PROPOSED AMENDMENTS

PART III, TITLE III

Chapter V : Areas where the Union may take coordinating, complementary or supporting action

I. SUMMARY OF AMENDMENTS

With respect to Article III-174 (Public health), many of the amendments call for this provision to be reworded, either with a view to setting out more clearly the aspects of public health which come under shared competences and those which come under areas of supporting action, or so as to add to this Article a reference to aspects of public health not covered at present, such as cross-border healthcare, measures to combat violence, particularly against women, physical and mental health, the harmful effects of tobacco on health, and the fight against drugs, epidemics and major scourges. Some amendments call for an exhaustive list of actions possible on the basis of this provision.

As regards Article III-175 (Industry), a number of amendments call for a reference to environmental protection to be included in this provision.

Two amendments advocate including a new Article III-175a on tourism.

With respect to Article III-176 (Culture), some amendments propose adding a reference to specific aspects of cultural policy, such as the audiovisual sector or music.

The amendments to Article III-177 (Education, youth and sport) call for either the deletion of the reference to sport or the addition of more detailed references to possible actions in this area.

Three amendments request the deletion of Article III-180 (Administrative cooperation).

II. ANALYSIS OF AMENDMENTS

Article III-174 (Public health)

- Reword the article so as to update the objectives of Union action in the area of public health (Duff)
- Create a new article or add new paragraphs on cross-border healthcare to Article III-174 (de Villepin)
- Reword the Article in order to set out more clearly and in more detail the aspects which come under shared competences and those which come under areas of supporting action (Michel + 4; de Villepin; Barnier + 3)
- Add measures to combat threats and accident risks with a possible European dimension to the paragraph on aspects which come under areas of supporting action; add the setting of high quality and safety standards for health products and medical devices to the aspects which come under shared competences (de Villepin)
- Reword the Article so as to include a reference to physical and mental health, the fight against major health scourges with a European dimension, and measures to combat threats and serious risks to health (Van Lancker + 16)
- Add a reference to physical and mental health (de Vries + 1)
- Specify in paragraph 1 the Union action aimed at reducing drugs-related health damage (Giannakou)
- Add to paragraph 4 a reference to measures aimed at prevention and control of the harmful effect of tobacco on health (Tiilikainen + 5)
- Delete the words "in particular" in paragraph 4 (Fischer; Teufel)
- Add a reference to measures to combat epidemics (Fischer)
- Add in the second paragraph, last sentence "including violence against persons and, in particular, violence against women"(Dybkjaer; Borrell + 2)
- Add a new paragraph stating that the Union will complement action by Member States aimed at providing a high level of protection from interpersonal violence, including the protection of mental and physical health and measures to reduce the effects of such violence (De Rossa)

Article III-175 (Industry)

- Add to paragraph 1 the need for industry to contribute to the achievement of the objectives set out in Article I-3, in particular to sustainable development; add the possibility of adopting measures to minimise environmental impact (Voggenhuber + 3)
- Add a new paragraph on the need for the implementation of policy and actions in the area of industry to take account of environmental requirements (Hjelm-Wallén)
- Add consultation of the Committee of the Regions (Chabert + 5)
- Replace industry by enterprises (Farnleitner)

Article III-175a (Tourism)

- Create a new Article III-175a on Union action in the area of tourism (de Villepin; Lequiller; Lopes and Katiforis)

Article III-176 (Culture)

- Add a reference in paragraph 2 to the audiovisual sector (Michel + 4)
- Add a reference in paragraph 2 to the conservation and safeguarding of cultural heritage and the promotion of cultural diversity (Peterle, Rupel + 1)
- Add a reference in paragraph 2 to the musical sector (Tajani)
- Delete paragraph 4 (Hübner)
- Add to paragraph 5 the need to consult the Economic and Social Committee (Sigmund + 2; Borrell + 2)
- Add to paragraph 5 a stipulation excluding the possibility of adopting tax measures on the basis of this provision (Hain)
- Replace qualified majority by unanimity (Teufel; Wuermeling)

Article III-177 (Education, youth and sport)

- Delete the reference to sport (Lenmarker; Wuermeling)
- Add to paragraph 1 the need for the Union to respect the role of sporting organisations; delete

from paragraph 1 the subparagraph relating to sport; delete from paragraph 2(g) the reference to developing the European dimension of sport (Hain)

- Develop paragraph 2(g) on Union action in the area of sport. Add a new paragraph on the need to take account of objectives in the area of sport in defining and implementing other Union policies (de Villepin)
- Add to paragraph 2 two new indents on the promotion of sport and on encouraging partnerships between the public sector and the sporting movement; add a reference to sport in paragraph 3 (Lopes et Lobo, Antunes)
- Add a reference to the protection of children, to the role of sport in society and to the international context of sport (de Vries + 1)
- Add a reference to national sports policies to the second subparagraph of paragraph 1 (Teufel)

Article III-178 (Vocational training)

- Add a reference to the European social partners at the end of paragraph 4 (Gabaglio).

Article III-179 (Civil protection)

- Delete the reference to the Union from paragraph 1 (Roche)
- Add a reference to accidents in paragraph 1(a) (Tiilikainen + 5)
- Delete paragraph 1(a) and paragraph 2 (Wuermeling; Teufel)
- Delete paragraph 2 (Hain)
- Delete (a) in paragraph 1 and reword (b) to refer to support for cooperation between the Member States in the field of civil protection; add the exclusion of harmonisation in paragraph 2(a); provide, in this paragraph, for the possibility of the Council making recommendations on a Commission proposal (Fischer)

Article III-180 (Administrative cooperation) (new)

- Delete (de Villepin; Teufel; Hain)

Article III-180a (new)

- Add an Article concerning territorial development (de Vries + 1)

List of amendments

Article III Title X ART X

1. Lopes

Article III-174

1. Barnier + 2 Convention members
2. Borrell + 2 Convention members
3. De Rossa
4. de Villepin
5. de Villepin
6. Duff
7. Dybkjaer
8. Fischer
9. Giannakou + 1 Convention member
10. Hain
11. Michel + 4 Convention members
12. Teufel
13. Tiilikainen + 5 Convention members
14. Van Lancker + 16 Convention members
15. de Vries + 1 Convention member
16. Wuermeling

Article III-175

1. Chabert + 5 Convention members
2. de Villepin
3. Farnleitner
4. Voggenhuber + 3 Convention members
5. Hjelm-Wallén
6. Lequiller

Article III-176

1. Borrell
2. Hain
3. Hübner
4. Michel + 4 Borrell
5. Rupel + 1 Borrell
6. Sigmund + 2 Borrell
7. Tajani
8. Teufel
9. Peterle
10. Wuermeling

Article III-177

1. de Villepin
2. Hain

3. Lenmarker
4. Lopes + 1
5. Teufel
6. de Vries + 1
7. Wuermeling + 1

Article III-178

1. Gabaglio

Article III-179

1. Hain
2. Roche
3. Teufel
4. Tiilikainen
5. Wuermeling + 1
6. Fischer

Article III-180

1. de Villepin
 2. Hain
 3. Teufel
 4. de Vries + 1
-

SUMMARY SHEET OF PROPOSED AMENDMENTS

PART III – TITLE IV

Article III-186

- Replace the instrument (European regulations and decisions) by a Council law adopted after consulting the European Parliament (Mr Barnier and Mr Vitorino + 2).
- Replace the instrument (European regulations and decisions) by a European law (Ms Kaufmann).
- Add the words "in the Constitution" after "set out" (Mr Barnier and Mr Vitorino + 2).

List of amendments

1. Barnier
 2. Kaufmann
-

SUMMARY SHEET OF PROPOSED AMENDMENTS

PART III, TITLE V: THE UNION'S EXTERNAL ACTION

Chapter I: Provisions having general application

Article III-188

Paragraph 1

- Add "peace" after "human rights" (*am. 4/Voggenhuber+4*).
- Add at the end of the paragraph: "and shall strive for the advancement of United Nations conflict resolution capacities" (*am. 4/Voggenhuber+4*).

Paragraph 2

- Subparagraph (a): delete "security" and add "reinforce the Union's security in all its forms and promote solidarity between its members in the face of the threats to their common security" (*am. 1/de Villepin*).
- Subparagraph (c): add " and actively support" after "preserve" (*am.4/Voggenhuber+4*).
- Subparagraph (d): add "globally" after "poverty" (*am. 4/Voggenhuber+4*).
- Subparagraph (e): add a reference to subparagraph (d) (*am. 4/Voggenhuber*).
- Subparagraph (f): add a reference to access to "global public goods" (*am. 3/Kaufmann, am. 4/Voggenhuber+4*), and add "to guarantee and" before "ensure" (*am. 3/Kaufmann*). Replace "preserve" with "protect" (*am. 4/Voggenhuber+4*).

Paragraph 3

- Replace "consistency" with "coherence" (*am. 2/Hjelm-Wallén+2*).

Proposals for the addition of a subparagraph

- Add a new subparagraph 2(c)a: "promote global disarmament, combat the uncontrolled proliferation of conventional arms, the trade and use of weapons with an indiscriminate and excessive character, as well as weapons of mass destruction" (*am. 4/Voggenhuber+4*).

Article III-189 (ex Article 2)

THEMATIC EXAMINATION OF AMENDMENTS

Paragraph 1

- Add that the European Council shall act after consulting the European Parliament (*am. 4/Kaufmann*)
- Amend the text to convey the idea that the European Council does not adopt decisions but "general guidelines" (*am. 2/Farnleitner*)
- Add that the Council of Ministers shall implement the decisions of the European Council (*am. 6/Fischer*)
- The text should read that the Council adopts a recommendation solely on the basis of a joint proposal of the Minister for Foreign Affairs and the Commission and by a qualified majority. (*am. 2/Farnleitner*)
- Include a provision on the distinction between CFSP and other external policies (*No 2/Farnleitner*)
- Change "European decisions" to "CFSP decisions" (*am. 3/Hain*).

Paragraph 2

- Make it clear that the joint proposals are without prejudice to the Commission's exclusive right of initiative as defined in other provisions of Part III (*am. 2/Farnleitner*)
- Delete the paragraph as the Minister is part of the Commission (*am. 5/de Villepin*)
- Add the application of qualified majority voting for joint proposals by the Minister for Foreign Affairs and the Commission (*am. 1/Brok+23*)
- Delete the paragraph as it is already covered in Chapter II (*No 4/Kaufmann*).

CHAPTER II: COMMON FOREIGN AND SECURITY POLICY

SECTION 1 COMMON FOREIGN POLICY

Article III-190 (ex Article 3)

THEMATIC EXAMINATION OF AMENDMENTS

Paragraph 1

- Add that the CFSP will be implemented jointly and in accordance with international law (*am. 3/Voggenhuber+3*)

Paragraph 2

- Add that the agreements and treaties signed by the MSs must be loyal to the Union (*am. 3/Voggenhuber+3*)

Paragraph 3

- Change "European decisions" to "CFSP decisions" (*am. 1/Hain*)
- Provide for the possibility of resorting to other policies in this Section (*am. 2/de Villepin*)

Article III-191 (ex Article 4)

THEMATIC EXAMINATION OF AMENDMENTS

- Replace "President" with "Presidency" (*am. 2/Tiilikainen+5*) or delete all reference (*am. 1/Michel+4*)
- Add a provision to the effect that the Council may ask the Minister for Foreign Affairs to make a proposal to implement a decision concerning the CFSP (*am. 3/de Villepin*)

Article III-192 (ex Article 5)

THEMATIC EXAMINATION OF AMENDMENTS

- Proposal for the addition of a paragraph on a joint European service for external action/European diplomatic service which would assist the Minister for Foreign Affairs to carry out his mandate (*am. 2/Fischer, am. 4/Michel+4*). Mr Fischer proposes the text of a declaration to be annexed to the Constitution, on the establishment of such a service.
- Delete the reference concerning the chairing of the Foreign Affairs Council by the Union's Minister (*am. 1/Farnleitner, am. 5/Roche, am. 6/Tiilikainen+5*)
- Proposed addition that the Commission shall be fully associated in the tasks referred to in paragraphs 1 and 2 (*am. 1/Farnleitner*)
- Insert "*where possible*" or "*where possible and acting on behalf of and at the request of the Council*" in the sentence concerning the Union's position being expressed by the Minister for Foreign Affairs in international organisations and at international conferences, and as regards the conduct of the political dialogue (*am. 5/Roche, am. 3/Hain*)
- Change "*European decisions*" to "*CFSP decisions*" and "*Minister for Foreign Affairs*" to "*European External Representative*" (*am. 3/Hain*)

Article III-193 (ex Article 6)

THEMATIC EXAMINATION OF AMENDMENTS

- Change the description of the instruments ("*CFSP decisions*") (*am. 2/Hain*)
- Delete paragraph 3 (*am. 1/Farnleitner*)
- Delete paragraph 4 (*am. 2/Hain*)

Article III-194 (ex Article 7)

THEMATIC EXAMINATION OF AMENDMENTS

- Change "*European decisions*" to "*CFSP decisions*" (*am. 1/Hain*)

Article III-195 (ex Article 8)

THEMATIC EXAMINATION OF AMENDMENTS

- Delete "*or the Minister with the support of the Commission*" (*am. 6/Villepin*)
- Amend text to give the Commission the right of initiative (alone or with the Minister for Foreign Affairs) (*am. 2/Hjelm-Wallén+2, am. 1/Farnleitner*)
- Amend text to give the European Parliament the right of initiative as well (*am. 3/Muscardini*)
- Amend text to convey the fact that the Foreign Affairs Council will not be chaired by the Minister for Foreign Affairs but by the rotating Presidency (*am. 5/Tiilikainen+5, am. 4/Roche, am. 2/Hjelm-Wallén+2, am. 1/Farnleiter*)

Article III-196 (ex Article 9)

THEMATIC EXAMINATION OF AMENDMENTS

The amendments to this Article relating to the decision-making procedures may be broadly divided into two categories: 1) those which do not call into question the general rule of unanimity but which amend the text on specific points, and 2) those which propose more radical changes, in particular the introduction of qualified majority voting as a general rule.

Paragraph 1

- Amendment to the text concerning constructive abstention (*am. 7/Hjelm-Wallén+2*)

Paragraph 2

- Paragraph 2(b): delete the provision since the other provisions introducing QMV are sufficient (*am. 9/Lang+4*)
- Paragraph 2(b): delete "*following a specific request to him from the European Council made at its own initiative or that of the Minister*" to convey the fact that the Council of Ministers shall act by a qualified majority on any proposal from the Minister (*am. 5/Fisher, am. 10/Lequiller*)
- Paragraph 2(b): delete "*specific*" (*am. 1/Barnier+3*)
- Paragraph 2(b): add "*or when the Minister puts forward the proposal with the support of the Commission*" (*am. 1/Barnier+3, am. 8/Kaufmann, am. 13/Paciotti+13*)

- Paragraph 2(b): replace with a reference to the joint proposals of the Minister and the Commission as defined in Article III-189(2) (*am. 18/de Vries+1*)
- Paragraph 2(c): make it clear that it is a "decision" concerning a Union action or position (*am. 14/Roche*)
- Add a provision (new indent) which stipulates that the Council shall act by a qualified majority on a proposal from the Minister with the support of the Commission or on the basis of a joint proposal as defined in Article III-189(2) (*am. 11/Michel+4, am. 17/Voggenhuber+4*)
- Add a provision (new indent) which requires the application of qualified majority voting for decisions on Union action not exceeding a certain financial limit (*am. 18/de Vries+1*)
- Add a provision (new indent) which stipulates that the Council shall act by a qualified majority when adopting a decision on restrictive measures (*am. 18/de Vries+1*)
- 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*)
- Delete the provision whereby a MS may oppose a decision being taken by a qualified majority (*am. 11/Michel+4*)
- Add that a MS may not oppose the Council deciding by a qualified majority to refer a matter to the European Council (*am. 14/Roche*)
- Add that the European Council shall act by a qualified majority (*am. 17/Voggenhuber+4*)
- Replace "European decisions" with "CFSP decisions" (*am. 6/Hain*)

Paragraph 3

- Delete the paragraph (*am. 7/Hjelm-Wallén+2*)
- Amend text so that the European Council acts by a qualified majority (*am. 17/Voggenhuber+4*)

Other texts

- Drafting proposal which stipulates that the Council of Ministers shall act by a qualified majority, except where a Member State opposes this for important reasons of national policy. The Union's Minister for Foreign Affairs and the President of the European Council act as mediator and the European Council may act by a qualified majority to break the stalemate. It is impossible to depart from qualified majority voting in a certain number of cases, including the joint proposals referred to in Article III-189. Decisions with military or defence implications are taken unanimously (*am. 2/Brok+22*).
- Drafting proposal which stipulates that the Council of Ministers shall act by a qualified majority, except in the case of decisions with military or defence implications, when the proposal does not emanate from the Union's Minister for Foreign Affairs, or when a Member State invokes a national interest. In this case the Union's Minister for Foreign Affairs, and if necessary the President of the European Council, shall seek a solution. The matter may be referred to the European Council with a view to a decision being taken by a qualified majority. The provisions concerning constructive abstention are to be retained (*am. 16/Villepin*).
- Introduce augmented qualified majority voting as a general rule and qualified majority voting as the exception to the general rule. Retain the possibility of opposing the vote. Decisions with military or defence implications are to be taken unanimously (*am. 3/Dini*).
- Drafting proposal which stipulates that the Council shall act by a qualified majority, except where it is acting on a proposal from a Member State or on matters with military or defence implications or when a Member State opposes this for important reasons of national policy (in this case the matter may be referred by the Council to the European Council which shall act by a qualified majority). The provisions concerning constructive abstention are to be retained (*am. 4/Farnleiter*).
- Introduce qualified majority voting as a general rule, except in the case of decisions with military or defence implications, maintain constructive abstention and the possibility of a MS opposing the vote (*am. 15/Tiilikainen/5*).
- Make qualified majority voting the general rule for all CFSP decisions (*am. 12/Muscardini*).

Article III-199 (ex Article 12)

In general

- Proposal for the inclusion in this Article of provisions on the negotiation and conclusion of international agreements in the CFSP sphere (*am. 1/Hain*).

Article III-200 (ex Article 13)

THEMATIC EXAMINATION OF AMENDMENTS

- Stipulate that the European Parliament must be consulted in advance on the taking of restrictive measures and on the basic choices of the CFSP (*am. 1/Kaufmann*).
- Add that the European Parliament shall be associated in the decision-making process on the main aspects and basic choices (*No 14/Voggenhuber+2*).

Article III-201 (ex Article 14)

THEMATIC EXAMINATION OF AMENDMENTS

- Proposal for the inclusion of a new provision at the end of this Article which stipulates that, in international organisations and at international conferences, the Union's position will be presented by a Member State where the Union's Minister for Foreign Affairs cannot be on the spot to present it. To this end, a rotation system will be introduced by the States which are members of the international organisation or which take part in the conference concerned (*am. 1/Roche*).
- Paragraph 2: delete "*without prejudice to their responsibilities under the provisions of the United Nations Charter*" (*am. 1/Farnleiter*).
- Paragraph 2: replace the last subparagraph with "When the Security Council holds a meeting at which non-members of the Council are permitted to speak, and when the Union has defined a common position on the subject of the meeting, the Minister for Foreign Affairs may request an opportunity to present the Union's position" (*am. 2/Hain*).

Article III-202 (ex Article 15)

THEMATIC EXAMINATION OF AMENDMENTS

- Replace "*European decisions*" with "*CFSP decisions*" (*am. 1/Hain*)

Article III-203 (ex Article 16)

THEMATIC EXAMINATION OF AMENDMENTS

- Proposal to add that the Political and Security Committee shall be chaired by a representative appointed by the Union's Minister (*am.2/Fischer*).
- Add "*the Commission*" after "*the Minister for Foreign Affairs*" in the first paragraph (*am.1/Farnleitner*).
- Replace "under the responsibility of the Minister" by "in close contact with the Minister" (*am.3/Roche*).

Article III-205

THEMATIC EXAMINATION OF AMENDMENTS

General

- Add a new paragraph stipulating that humanitarian assistance is reserved and entrusted to international organisations and professional non-governmental organisations with a humanitarian vocation. Civilian and military resources may exceptionally be involved in humanitarian tasks where this is deemed necessary. The use of such resources shall be at the request and in support of humanitarian organisations and shall comply with international rules and principles governing humanitarian assistance (*am. 4 McAvan*).
- Add an Article 17a adapted to the requirements of Article III-218(5) (*am. 6 Voggenhuber and others*).

Paragraph 1

- Add the following to the tasks: civil protection, protection of human rights defenders, protection of public infrastructure, protection of archaeological sites and other objects of cultural heritage and add "in compliance with the principles of the United Nations Charter" (*am. 6 Voggenhuber and others*).
- Delete operations at the request of third countries to combat terrorism (*am. 6 Voggenhuber and others*).

Paragraph 2

- Add that the decision defining the objectives, scope and general conditions for implementation should be adopted after consultation of the European Parliament (*am. 1 Brok and others*) or with its approval (*am. 3 Kaufmann*).
- Add that approval by the European Parliament is required for the deployment of military resources and sanctions against States within the CFSP framework (*am. 6 Voggenhuber and others*).
- Replace unanimous voting by qualified majority voting (*am. 5 Muscardini*).
- Replace "European decisions" by "CFSP decisions" (*am. 2 Hain*).

Article III-206

THEMATIC EXAMINATION OF AMENDMENTS

General

- Delete the article (am. 1 Farnleitner).

Paragraph 1

- Delete " the Council may entrust the implementation of a task to a group" and delete the last sentence of the paragraph (am. 2 Hain).
- Add after " Member States having the necessary capability and the desire to undertake the task" "will contribute national and multinational resources to the operation" (am. 2 Hain).
- Add a new sentence: "Non-EU States may participate in accordance with the modalities agreed by the Council, which include arrangements for management of operations within the meaning of Article III-203" (am. 2 Hain).
- Add that the Member States in association with the Minister for Foreign Affairs act under the Council's full authority (am. 5 Roche).
- Replace "European decisions" by "CFSP decisions" (am. 2 Hain).

Paragraph 2

The Council's role

- Add that the Council retains political control and strategic direction (am. 3 Hjelm Wallén and others).
- Reword to the effect that the Council takes the necessary decisions without referral by the Member States (am. 3 Hjelm Wallén and others, am. 5 Roche).

Grounds for a new Council decision

- Add the proposal by the Minister for Foreign Affairs or a Member State for amendment of the original decision as an additional ground for a new Council decision (am. 5 Roche).

Role of the European Parliament

- Add that the European Parliament must be informed and that the European Parliament's approval is required for a new Council decision (am. 4 Kaufmann).

Deletions

- Delete the paragraph (am. 2 Hain).

Article III-207

THEMATIC EXAMINATION OF AMENDMENTS

General

- Reword the article as follows: "A European Armaments Agency shall be established to support the development of military capabilities by cooperation between the Member States in the field of armaments. The Agency shall be open to all Member States wishing to be part of it. Specific groups can be set up within the Agency bringing together Member States engaged in joint projects", then continue with the second and third sentences of paragraph 2 while replacing qualified majority voting by unanimous voting (am. 6 Hjelm-Wallén and others).
- Replace "European decision" by "CFSP decision" in all cases (am. 5 Hain).

Paragraph 1

Name of the Agency

- Change the Agency's name by adding the concept of capability development and deleting "military" (am. 2 de Villepin, am. 5 Hain, am. 9 Lequiller, am. 13 Fischer).
- Change the Agency's name by deleting armaments and research (am. 10 Roche).

The Agency's tasks

- Add in the first sentence of the article that the Agency contributes to the coordination of efforts made by the Member States as well as within the Union framework. Add that it shall in particular have as its task (.....) (am. 2 de Villepin, am. 5 Hain, am. 9 Lequiller, am. 13 Fischer).
- Under (a):
 - add that the objectives are quantitative and qualitative,
 - delete "military" with regard to capability and the indication that the Member States' capabilities are concerned.
 - replace "observance of the capability commitments given by the Member States" by "progress made" (am. 2 de Villepin, am. 5 Hain, am. 9 Lequiller, am. 13 Fischer).
 - add civil capabilities (am. 12 Voggenhuber and others)
- Under (b):
 - Add that the procurement methods must be effective in cost terms (am. 2 de Villepin, am. 5 Hain, am. 9 Lequiller, am. 13 Fischer)
- Under (c):
 - Add that coordination shall be "effective" (am. 2 de Villepin, am. 9 Lequiller, am. 13 Fischer)
 - Replace "propose" by "promote", replace "multilateral projects" by "multilateral solutions", replace "specific cooperation programmes" by "certain cooperation programmes" am. 5 Hain)
 - Add civil capabilities (am. 12 Voggenhuber and others)
 - Add "with a view in particular to conflict prevention and peace-keeping operations" (am. 12 Voggenhuber and others)

- Under (d):
 - Replace "coordinate and plan" by "contribute to" (am. 2 de Villepin, am. 9 Lequiller, am. 13 Fischer).
 - Add "contribute, if required, to achieving the objectives and programmes referred to in Article III-144 (Framework Programme for Research and Development)" (am. 2 de Villepin, am. 9 Lequiller, am. 13 Fischer).
 - Delete " the study of technical solutions meeting future operational needs" (am. 2 de Villepin, am. 9 Lequiller, am. 13 Fischer).
 - Replace "support" by "facilitate coordination" of defence technology research (am. 5 Hain).
 - Delete " coordinate and plan joint research activities" (am. 5 Hain).
 - Replace "operational needs" by "capability requirements" (am. 5 Hain).
- Under (e):
 - Replace "any useful measure" by "measures" (am. 2 de Villepin, am. 9 Lequiller, am. 13 Fischer).
 - Add "European" to describe the defence sector (am. 2 de Villepin, am. 9 Lequiller).
 - Delete " for improving the effectiveness of military expenditure" (am. 2 de Villepin, am. 9 Lequiller, am. 13 Fischer).
 - Replace "any useful measure" by "any useful measure and policy" (am. 5 Hain).
 - Reword the last part of the sentence as follows: "aimed at strengthening an internationally competitive industrial and technological base" (am. 5 Hain).
 - Add that civil expenditure is also concerned (am. 12 Voggenhuber and others).
- Add (f): "contribute to the gradual definition of a European armaments policy and to the development of a European defence equipment market, including by means of recommendations concerning specific rules and regulations applicable to the armaments sector" (am. 2 de Villepin, am. 9 Lequiller, am. 13 Fischer)

Miscellaneous

- Move the sentence concerning ability to participate in the Agency to the first sentence (am. 10 Roche).
- Take over a sentence from Article I-40(3) concerning Member States' commitment to improving capabilities (am. 4 Farnleitner.)

Paragraph 2

Procedure

- Replace qualified majority voting by unanimous voting (am. ... Hjelm-Wallén and others, am. 5 Hain, am. 10 Roche).
- Delete qualified majority voting (am. 7 Hübner).
- Add approval by the European Parliament (am. 1 Brok and others).
- Replace the Council decision by a European law (am. 8 Kaufmann).

Miscellaneous

- Add procedures to the content of the decision (am. 5 Hain)
- Replace "should" by "may" in the sentence concerning the level of effective participation in the Agency's activities (am. 7 Hübner)
- Move the sentence concerning the link with the Commission to a new paragraph 3 and add that the Council shall ensure that the Agency's activities are consistent with those of the Union's other bodies (am. 2 de Villepin, am. 5 Hain, am. 9 Lequiller, am. 13 Fischer)

- Add "The non-EU European members of NATO may also participate if they so wish" and, at the end of the paragraph "as well as the non-EU European members of NATO carrying out joint projects" (am. 3 Demiralp).
- Delete "seat" from the content of the decision (am. 2 de Villepin, am. 5 Hain, am. 9 Lequiller, am. 13 Fischer)
- Delete the sentence concerning the level of effective participation in the Agency's activities (am. 4 Farnleitner, am. 7 Hübner, am. 11 Tiilikainen and others)
- Delete the sentence concerning specific groups within the Agency (am. 2 de Villepin, am. 5 Hain, am. 9 Lequiller, am. 13 Fischer)

Article III-208

THEMATIC EXAMINATION OF AMENDMENTS

General

- Add a fifth paragraph providing that expenditure resulting from implementation of structured cooperation shall be borne by the Member States participating in it (am. 3 Farnleitner).
- Add a paragraph providing that such cooperation must be open to all Member States wishing to fulfil the obligations it imposes and that participating States should encourage the other Member States to participate in such cooperation (am. 3 Farnleitner).
- Put the article between square brackets (am. 10 Roche).
- Delete the article (am. 6 Hjelm–Wallén and others, am. 8 Lang and others, am. 5 Hain, am. 7 Hübner, am. 11 Tiilikainen).

Paragraph 1

- Add that Articles I-43 and III-319 to III-325 apply (am. 1 Brok and others) or add a new paragraph along these lines (am. 9 Lennmarker, am. 12 Voggenhuber and others).
- Replace "Protocol" by "Declaration" (am. 2 de Villepin, am. 4 Haenel and others, am. 12 Voggenhuber and others, am. 13 Fischer).
- Add "including those in specific spheres" after "military capability criteria" (am. 3 Farnleitner).
- Delete "which those Member States have defined" (am. 3 Farnleitner).

Paragraph 2

- Replace "the European Council" by "the Council" in the first sentence (am. 1 Brok and others).

Paragraph 3

- Delete any reference to the concept of fulfilling the obligations imposed by cooperation (am. 3 Farnleitner).

Paragraph 4

- Delete the paragraph (am. 12 Voggenhuber and others).

Article III-209

THEMATIC EXAMINATION OF AMENDMENTS

General

- New article providing that the principles of closer cooperation on mutual defence shall be based on the Modified Brussels Treaty annexed to the Constitution and that such cooperation is open to States that are not at present bound by the Brussels Treaty (am. 7 Hubner).
- Put the article between square brackets (am. 10 Roche).
- Delete the article (am. 2 Demiralp, am. 6 Hjelm-Wallén and others, am. 8 Lang and others, am. 5 Hain, am. 11 Tiilikainen and others, am. 13 de Vries and others).

Paragraph 1

- Replace "Declaration" by "Protocol" (am. 3 Farnleitner).

Paragraph 2

- Add terrorist attacks and a mutual assistance obligation for the Member States (am. 9 Muscardini).
- Replace "may request aid and assistance from them" by a reference to the procedures laid down in Article III-226 (implementation of the solidarity clause) (am. 4 Giannakou and others).

Paragraph 4

- Replace this paragraph by a new paragraph specifying that military assistance to a third country can be granted only at the Union's request and in the event of a common defence against an attack, supreme command over the action cannot be transferred to a third country (am. 12 Voggenhuber and others).
- Delete the paragraph (am. 1 de Villepin).

Article III-210

THEMATIC EXAMINATION OF AMENDMENTS

Paragraph 2

- Add a paragraph 2a providing that the Minister for Foreign Affairs shall draft the chapter of the Union's budget relating to CFSP expenditure and that in the event of disagreement between the EP and the Council at the end of the budgetary procedure, the amount proposed by the Minister shall be entered in the budget (am. 2 de Villepin, am. 6 Lamassoure, am. 7 Lequiller).

Paragraph 3

First subparagraph

- Remove "preparatory activities" from the budgetary decision (am. 2 de Villepin, am. 7 Lequiller).
- Replace "European decision" by "CFSP decision" (am. 4 Hain).
- Add that the European decision shall be taken unanimously (am. 8 Roche).
- Remove the idea of a decision taken by the Council (am. 11 Fischer)

Start-up fund

- Add at the end of the article that after 5 years the start-up fund will become an integral part of the Union's budget (am. 1 Brok and others).
- Replace "by a qualified majority" by "unanimously" (am. 5 Hjelm-Wallén, am 8 Roche, am. 10 de Vries and others).
- Add "in accordance with the financial control procedures to be defined by the Council" to the Minister's remit to use the fund. (am. 8 Roche).
- Delete "European decisions establishing" (am. 8 Roche).
- Delete all the indents specifying the content of the decision (am. 8 Roche).
- Delete "preparatory activities" and "start-up" (am. 2 de Villepin, am. 7 Lequiller).
- Delete all references to the start-up fund (am. 3 Farnleitner, am. 11 Fischer).

Miscellaneous

- Delete the paragraph (am. 9 Tiilikainen and others)

CHAPTER III

COMMON COMMERCIAL POLICY

Article II-211

- Delete the words "and on foreign direct investment" (comments that this area falls within the scope of the free movement of capital) (*am. 1/de Villepin, am. 2/Hain, am. 5/Lequiller, am. 6/Lopes + 1, am. 7/Voggenhuber + 4, am.8/Fischer*).
- Replace "lowering" of customs and other barriers with "progressive abolition" (comment, with reference to Article III-188(e), that the Union acts to "encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade") (*am. 4/Lennmarker*).
- Editorial amendment (*am. 3/Kaufmann*).

Article III-212

Paragraph 1

- Delete the words "foreign direct investment" (*am. 4/de Villepin, am. 7/Haenel + 1, am. 8/Hain, am. 13/Lamassoure, am. 15/Lequiller, am. 16/Lopes + 1, am. 19/Roche, am. 23/Voggenhuber + 3, am. 27/Fischer*), and "and services and the commercial aspects of intellectual property" (*am. 8/Hain*).
- Add, at the end of the paragraph: "and contribute to the primary aims of sustainable development and poverty eradication" (*am. 25/Dybkaer, am. 26/Thorning-Schmidt*).
- Delete the last sentence, which refers to Article III-188, principles and objectives of the Union's external action (*am. 8/Hain*).

Paragraph 2

- Replace with: "The Commission shall submit proposals to the Council for implementing the common commercial policy" (*am. 9/Hjelm-Wallén + 2*).
- Replace "law or framework law" with "decision or regulation" (*am. 3/Christophersen*).
- Add: "The Council shall act by qualified majority on a proposal from the Commission and after consulting the European Parliament" (*am. 8/Hain*).

Paragraph 3

- Add that the Commission will submit recommendations "after consultation of the European Parliament" (*am. 2/Brok + 25, am. 18/Michel + 3, am. 5/Duff, am. 21/Thorning-Schmidt*), or will submit them "to the Parliament and the Council" (*am. 11/Kaufmann, am. 23/Voggenhuber + 3*), and that the Council will authorise negotiations after obtaining "the approval of the European Parliament" (*am. 11/Kaufmann*).
- Add that the Council and the European Parliament will agree upon a time-limit for Parliament's opinion (*am. 21/Thorning-Schmidt*).
- Replace "The Council and the Commission shall be responsible" with "The institutions shall be responsible" (*am. 23/Voggenhuber + 3*).
- Add that the Council may address directives [to the Commission] "after obtaining the approval of the European Parliament" (*am. 11/Kaufmann*).

Paragraph 4

- Delete the entire paragraph (comments that qualified majority voting should apply to the whole of the common commercial policy without exception) (*am. 2/Brok + 25, am. 14/Lennmarker, am. 5/Duff*).
- Delete "involving the movement of persons" (*am. 19/Roche, am. 8/Hain*) and replace "commercial" with "trade-related" in the English version (*am. 8/Hain*).
- Add (at the beginning of the paragraph): "The Common Commercial Policy shall also apply to the negotiation and conclusion of agreements in the field of trade in services and the trade-related aspects of intellectual property. Paragraph 3 shall apply to the negotiation and conclusion of such agreements." (*am. 8/Hain*).
- Replace the text with: "The Council shall act unanimously for the negotiation and conclusion of agreements where such agreements include provisions for which unanimity is required for the adoption of internal rules, or where such agreements concern an area in which the Union, in adopting its internal rules, has yet to exercise its powers under this Treaty." (*am. 4/de Villepin, am. 13/Lamassoure, am. 15/Lequiller*), or the same text with the following addition: "... under the Constitution. The Council shall also act unanimously for the negotiation and conclusion of agreements of a horizontal nature." (*am. 7/Haenel + 1*).
- Replace the text with: "For the negotiation and conclusion of agreements in the fields of trade in services, foreign direct investment and the commercial aspects of intellectual property, the Council shall act unanimously where such agreements include provisions for which unanimity is required for the adoption of internal rules" (*am. 9/Hjelm-Wallén + 2*).

- Commerce in cultural and audiovisual services, educational services and social and health services: Add text according to which unanimity is required for agreements including undertakings on the part of the Union in such areas, by also adding services provided by state monopolies (*am. 9/Hjelm-Wallén + 2*). Or replace with a similar text (but without the reference to services provided by state monopolies) according to which the negotiation and conclusion of such agreements requires unanimity (*am. 11/Kaufmann, am. 18/Michel + 3, am. 20/Teufel*) and the common agreement of Member States (*am. 11/Kaufmann, am. 18/Michel + 3, am. 23/Voggenhuber + 3*), and that such agreements are concluded jointly by the Union and its Member States (*am. 18/Michel + 3, am. 12/Kiljunen, am. 11/Kaufmann, am. 20/Teufel, am. 23/Voggenhuber*), or that such agreements fall within the shared competence (*am. 18/Michel + 3, am. 12/Kiljunen*).
- Add: "This provision shall not affect the right of the Member States to maintain and conclude agreements with third countries or international organisations in so far as such agreements comply with the Union law and other relevant international agreements." (*am. 7/Haenel + 1, am. 12/Kiljunen (as new par. 6), am. 16/Lopes + 1, am. 22/Tiilikainen + 4 (as new par. 6), am. 24/de Vries + 1 (as par. 6)*) or "insofar as such agreements comply with this Constitution" (*am. 8/Hain*).
- Add that the Council shall act unanimously for the negotiation and conclusion of agreements of a horizontal nature (*am. 16/Lopes + 1*).

Paragraph 5

- Replace the current text of the draft Article with: "An agreement may not be concluded by the Council if it includes provisions which would go beyond the Union's internal powers, in particular by leading to the harmonisation of the laws or regulations of Member States in an area for which this Treaty rules out such harmonisation" (*am. 7/Haenel + 1, am. 8/Hain, am. 10/Hübner*).
- Commerce in cultural and audiovisual services, educational services and social and health services: Add that agreements which include such provisions fall within the shared competence, and that their negotiation and conclusion therefore require the common agreement of Member States" (*am. 4/de Villepin, am. 10/Hübner, am. 13/Lamassoure, am. 15/Lequiller, am. 16/Lopes + 1*), or the same text but without an explicit reference to the shared competence (*am. 19/Roche*), or a text incorporating in a more exhaustive manner the text of Article 133(6)(2) TEC, including an indication that agreements are concluded jointly by the Union and its Member States (*am. 7/Haenel + 1, am. 10/Hübner, am. 16/Lopes + 1*).
- Add that the negotiation and conclusion of international agreements in the field of transport shall continue to be governed by the provisions of Title III, Chapter III, Section 7, and of Article III-222 (*am. 3/Christoffersen, am. 6/Farnleitner (as new par. 6), am. 7/Haenel + 1, am. 8/Hain*).

Proposal to add a paragraph

- Add a new paragraph 1a: "In exercising the powers conferred upon it by this article, the Council shall act by a qualified majority. The European Parliament's assent shall be required for the conclusion of all significant agreements entered into under the terms of this article."
(*am. 17/McAvan + 14*).
- Add a new paragraph 6 according to which agreements in the field of commerce in cultural and audiovisual services shall fall within Member States' competence (*am. 1/Borrell + 2*).

CHAPTER IV

COOPERATION WITH THIRD COUNTRIES AND HUMANITARIAN AID

SECTION 1 DEVELOPMENT COOPERATION

General

- Replace the title with: "Assistance, development cooperation and humanitarian aid"
(*am. 1/Borrell + 2*).

Article III-213

Paragraph 1

- Add that Union policy in this area shall be conducted with "all development countries as agreed by the OECD" (*am. 5/Borrell + 2, am. 6/Dybkaer*), or "all developing countries" (*am. 3/Hain*).
- Replace the first sentence with a text clarifying that the main objective is the reduction and, in the long term, the eradication of poverty (currently referred to in the second subparagraph of this paragraph), and listing the areas of assistance/action which that objective implies (support for sustainable economic, social and environmental development; promotion of the gradual integration of developing countries into the world economy; and a determination to combat inequality) (*am. 3/Hain*).

Paragraph 2

(no amendments)

Proposal to add a paragraph

- Add a new paragraph 3 according to which the Union's development cooperation policy shall be based on the principle of partnership, ownership of development strategies by the countries and populations concerned and the participation of civil society (*am. 4/Michel + 4*), or the principle of partnership and the promotion of civil society organisations (*am. 2/Gabaglio*), or specifying that the principle of partnership shall be "exercised on the fundamental principles of equality of the partners, ownership of the development strategies by the countries and populations concerned, and participation in order to encourage integration of all sections in society, including civil society organisations" (*am. 7/Borrell + 2, am. 9/Dybkaer, am. 1/Duff, am. 8/Thorning-Schmidt*).

Article III-214

Paragraphs 1-3

(No amendments)

Proposals to add a paragraph:

- Add a final paragraph incorporating the text of Article 179(3) TEC: "This Article shall not affect cooperation with the African, Caribbean and Pacific countries in the framework of the ACP-EC Convention" (*am. 1/Hain*).

Article III-215

(No amendments)

SECTION 2
ECONOMIC, FINANCIAL AND TECHNICAL COOPERATION
WITH THIRD COUNTRIES

Article III-216

Paragraph 1

- Delete "including financial aid in particular, with third countries other than developing countries" (*am. 2/Hjelm-Wallén + 2*).

Paragraph 2

(No amendments)

Paragraph 3

- Delete the sentence whereby the Council shall act unanimously for the association agreements and for the agreements to be concluded with the States which are candidates for accession to the Union (*am. 1/Barnier + 3*).

Article III-217

- Add "and exceptional" after the word "urgent" (*am. 1/de Villepin*).
- Replace "a qualified majority" with "unanimity" (*am. 4/de Vries + 1*)
- Delete the article (*am. 3/Hjelm-Wallén + 2, am. 2/Hain*).

SECTION 3
HUMANITARIAN AID

Article III-218

Paragraph 1

- Add, at the end of the paragraph: "and shall at all times be fully in compliance with International Humanitarian law, including the related Geneva Conventions and protocols" (*am. 6/De Rossa*).
- Delete "relief" and "people in third countries", add "in third countries" after the words "victims of man-made and natural disasters" and replace "meet the humanitarian needs resulting from these different situations" with "save lives, alleviate suffering and restore human dignity" (*am. 2/Hjelm-Wallén + 2*). Add "to save and preserve life and to reduce or prevent suffering" after the word "protection" (*am. 1/Hain*), or "save and preserve life, reduce or prevent suffering and safeguard the integrity and dignity of victims of natural and man-made disasters during the crises and in their immediate aftermath" (*am. 4/McAvan*).

Paragraph 2

- Add "and other established practice of humanitarian action" after "international humanitarian law", delete "and non-discrimination" and replace with "neutrality and independence" (*am. 2/Hjelm-Wallén + 2*), or replace "impartiality and non-discrimination" with "humanity, neutrality and impartiality" (*am. 1/Hain*), or with "humanity, impartiality, independence, and non-discrimination" (*am. 4/McAvan*). Add "neutrality" (*am. 7/Thorning-Schmidt*).
- Add, at the end of the paragraph: "Humanitarian aid shall be determined solely on the basis of the needs of victims." (*am. 4/McAvan*).

Paragraphs 3-4

(No amendments)

Paragraph 5

- Delete the paragraph (*am. 3/Lennmarker, am. 2/Hjelm-Wallén + 2, am. 1/Hain, am. 4/McAvan, am. 5/Tiilikainen + 5, am. 8/Thorning-Schmidt*).

Paragraphs 6-7

(No amendments)

CHAPTER 5: RESTRICTIVE MEASURES

Article III-219 (ex Article 31)

THEMATIC EXAMINATION OF AMENDMENTS

- Provide that only the Commission can submit proposals to the Council (delete "*Minister for Foreign Affairs*") (*am.4/Tiilikainen + 5*)
- Add a provision stating that such measures shall be in accordance with the rights and obligations under international law and the fundamental rights of the persons or groups concerned (*am.1/Farnleitner*)
- Restrict the application of this provision by making it clear that restrictive measures may only be adopted against persons or groups of persons who have or have had a "*vital function*" in a third country (*am.3 Hjelm-Wallén + 2*)
- Proposal for a more detailed text more closely aligned on Articles 301 TEC and 60 TEC (*am.2/Hain*)

Chapter II

- Add a new Chapter II devoted to civilian crisis management (*am.9/Tiilikainen and others*)

CHAPTER VI: INTERNATIONAL AGREEMENTS

Article III-220

Paragraph 1

- Exclude CFSP and add that this is without prejudice to the possibility of Member States maintaining agreements within the sphere of competence of Member States (*No 1/Hain, who has also tabled an amendment concerning a specific legal basis for CFSP agreements*)
- Specify "within the areas of competence attributed to the Union by Member States" (*No 2/Hjelm-Wallén + 2*)
- Replace "where the conclusion of an agreement is necessary in order to achieve one of the objectives fixed by this Constitution within the framework of the Union's policies" by "*where this Constitution has created for the Union powers within its internal system for the purpose of attaining a specific objective and the conclusion of [the] agreement is necessary for the attainment of that objective*" and add that conclusion is possible insofar as the agreement affects an internal act (*No 4/Tiilikainen + 5*)
- In the German version, translate the word "affecté" as "beeinträchtigen" instead of "berührt" (*am. 5, Fischer*)

Paragraph 3 (new)

- Add a paragraph 3 to make it clear that this Article does not alter the delimitation of competences between the Union and Member States (*No 3/Roche*)

Article III-221

Paragraph 1

- Exclude CFSP (*No 1/Hain*)

Article III-222

Drafting changes to make it clear that the procedure does not apply to CFSP agreements (*No 7/Hain*)

Paragraph 2

- Delete paragraph 2 (*No 9/Kaufmann*)
- Add that the Council authorises the opening of negotiations *in association with the European Parliament* (*No 12/Voggenhuber + 4*)
- Add that the Council authorises the signing of agreements (*No 6/Farnleitner*)

Paragraph 3

- The Council and the European Parliament (*No 12/Voggenhuber + 4, a corollary to the amendment to paragraph 1*)
- Add that the Minister for Foreign Affairs and the Commission may submit joint recommendations to the Council on matters covering both common foreign and security policy and other fields of external action (*No 13/de Vries and de Bruijn*)
- Specify that the Minister for Foreign Affairs submits recommendations "within his fields of competence as defined in Article I-19" (*No 4/de Villepin*)
- Add a requirement for the Council to consult the European Parliament before authorising the opening of negotiations (*No 10/Thorning-Schmidt, No 9/Kaufmann*) and add that the Council appoints the negotiator (*No 9/Kaufmann, who at the same time calls for the deletion of paragraph 4*)

Paragraph 4

- Delete the paragraph (*No 12/Voggenhuber + 4, No 9/Kaufmann*)
- Specify that while the Commission conducts the negotiations, the Council will appoint a negotiator where the agreement exclusively or principally relates to the CFSP (*No 13/de Vries and de Bruijn, No 5/Duff*) or where the agreement relates to criminal law matters (*No 13/de Vries and de Bruijn*)

Paragraph 5

- Completely recast paragraph to provide that the Commission conducts the negotiations in consultation with a committee appointed by the Council and within the framework of such directives as the Council and the European Parliament may issue to it (*No 12/Voggenhuber + 4*)
- Provide that the Council may only issue directives to the negotiator after the European Parliament has given its opinion (*No 9/Kaufmann*)

Paragraph 6

- Add that Member States may decide individually to be parties to an agreement negotiated by the Union and that if any Member State does not wish to be a party, the Council will take the necessary measures and authorise the possibility of dispensations of an economic nature (*No 2/Bonde*)

Paragraph 7

- State that it is the Union, not the Council, that concludes agreements on the proposal of the Commission (*No 12/Voggenhuber + 4*)
- Extend the requirement for European Parliament's assent to all agreements (*No 12/Voggenhuber + 4, No 6/Farnleitner*)
- Extend the requirement for a European Parliament opinion to CFSP agreements (*No 5/Duff*)
- Extend the requirement for European Parliament's assent to trade, development and cooperation agreements (*No 5/Duff*), to human rights agreements and trade agreements (*No 9/Kaufmann*), to trade agreements (*No 3/Brok + 27, No 14/Wuermeling*), to international trade rounds (*No 10/Thorning-Schmidt*)
- Provide that the Council and the Parliament may, in the case of urgency, agree on a time-limit for the delivery of the Parliament's opinion (*No 10/Thorning-Schmidt*)

Paragraph 8

- Delete the paragraph (*No 12/Voggenhuber + 4*)
- Add that the Council may not decide until the European Parliament has been consulted or has given its assent, according to whether the agreement concerns a matter for which consultation or assent is required (*No 9/Kaufmann*)

Paragraph 9

- Rewording with no effect on meaning (*No 13/de Vries and de Bruijn*)
- Add to the end of the first sentence:
 - "unless otherwise provided for in the Constitution" (*No 6/Farnleitner*)
 - "in accordance, in the case of the common foreign and security policy, with the provisions of Article III-196" (*No 4/de Villepin*)
- Delete the unanimity requirement for the Union's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (*No 1/Barnier and Vitorino + 2, No 11/Tiilikainen + 5*)
- Delete the unanimity requirement for association agreements (*No 8/Hjelm-Wallén + 2*)

Paragraph 10

- Require the assent of the European Parliament within a time-limit of one month (*No 9/Kaufmann*)

Article III-223

Paragraph 1

- Delete the unanimity requirement (*No 1/Barnier and Vitorino + 2*)

Paragraph 3

- Move the article to the chapter on EMU (*No 4/Tiilikainen + 5*)
- Delete the reference to qualified majority and the reference to a derogation from Article 33 since this is in fact the general rule contained in Article 33. By contrast, state "in all other cases Article 33 shall apply" (*No 2/Kaufmann*)
- Linguistic amendment to the German version in which "Union" was inappropriately translated by "Gemeinschaft" (*No 2/Kaufmann*)
- Linguistic amendment to the English version aiming to restore the present wording of Article 111 of the EC Treaty in which "accords sur des questions se rapportant au régime monétaire ou de change" is translated into English as "agreements concerning monetary or foreign-exchange regime matters" (*No 3/Roche*)

CHAPTER VII

RELATIONS WITH INTERNATIONAL ORGANISATIONS AND THIRD COUNTRIES AND UNION DELEGATIONS

Article III-224

Paragraph 1

- Add NATO to the organisations mentioned (*am. 2/Hübner, am. 3/Lennmarker*)
- At the beginning of the paragraph, insert: "Without prejudice to the right of the Member States to be members of and participate in the following organisations" (*am. 1/Hain*)

Paragraph 2

- At the end of the paragraph, add: "without prejudice to the right of the Member States to be members of and participate in those organisations" (*am. 1/Hain*)
- Add: "The Union shall be represented in international organisations and conferences by the Commission, or on matters falling under the common foreign and security policy, by the Union's Minister for Foreign Affairs" (*am 5/Tiilikainen + 5*)

Paragraph 3

(No amendments)

Proposals for additional paragraphs

- Add a new paragraph 4 stating that Member States will make all the necessary efforts to enable the Union to become a full member of international organisations (*am. 4/Michel + 4*)
- Add a new paragraph 5 concerning the presentation of the Union's position both where the Union is a member of an international organisation and where it is not, and concerning the information to be provided by Member States to the Commission and the Union's Minister for Foreign Affairs on all matters of common interest in cases where the Union or some Member States do not participate (*am. 4/Michel + 4*)

Article III-225

Paragraph 1

- Insert "Where appropriate" at the beginning of the paragraph (*am. 2/Hain*)
- Delete "delegations" and recast text to read "The Union shall have at its disposal diplomatic representations ... and delegations to international conferences" (*am. 1/Farnleitner*)
- At the end of the paragraph, add: "and shall work in cooperation with Member States' missions" (*am. 3/Hjelm-Wallén + 2*)
- Add "and its citizens" at the end of the paragraph (*am. 4/Hübner*)

Paragraph 2

- Insert "representations and" before "delegations" (*am. 1/Farnleitner*)
- State that delegations/representations will operate under the joint authority of the Union's Minister for Foreign Affairs and the Commission (*am. 1/Farnleitner, am. 5/Tiilikainen*)
- Delete the paragraph (*am. 3/Hjelm-Wallén + 2*)

Proposals for additional paragraphs

- Insert a new initial paragraph before the present paragraph 1 under which the Union would have at its disposal a diplomatic service of its own composed of officials of the Commission and the Council Secretariat, as well as of staff seconded from the Member States (*am. 1/Farnleitner*)
- Add a new final paragraph under which the Union's representations could also represent those Member States which so desired (*am. 1/Farnleitner*)

Article III-226

THEMATIC EXAMINATION OF AMENDMENTS

In general

- Replace paragraphs 2 to 4 by new wording providing that any such arrangements should include an obligation to notify the European Parliament about any decision adopted, a requirement to obtain Parliament's approval for the decision in question and details of the procedure under which Parliament acts in this context (*am. 5/MacCormick and others*)
- Delete the Article since the implementation of the solidarity clause should be left for the Council to decide on (*am. 4/Roche*)

Paragraph 1

- Replace "European decision" by "European law" (*am. 3/Kaufmann*)

Paragraph 2

- Add a reference to the need for a national decision concerning assistance of one State by another (*am. 2/Hjelm-Wallén and others*)
- At the end of the first sentence of the paragraph, add "using all means, political or military, at their disposal" (*am. 1/Giannakou and others*)

LIST OF AMENDMENTS

ARTICLE III-188

1. Mr de Villepin
2. Ms Hjelm-Wallén, Mr Petersson and Mr Lekberg
3. Ms Kaufmann
4. Voggenhuber, Mr MacCormick, Ms Wagener, Ms Lichtenberger, Ms Nagy

ARTICLE III-189

1. Brok, Azevedo, Lequiller, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Kauppi, Lennmarker, Liepina, Maij-Weggen, Paks, Rack, Santer, Szajer, Teufel, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt, Wuermeling
2. Farnleitner
3. Hain
4. Kaufmann
5. de Villepin
6. Fischer

ARTICLE III-190

1. Hain
2. de Villepin
3. Voggenhuber, Wagener, Lichtenberger, Nagy

ARTICLE III-191

1. Michel, di Rupo, Van Lancker, Chevalier, Nagy
2. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
3. de Villepin

ARTICLE III-192

1. Farnleitner
2. Fischer
3. Hain
4. Michel, di Rupo, Van Lancker, Chevalier, Nagy
5. Roche
6. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle

ARTICLE III-193

1. Farnleitner
2. Hain

ARTICLE III-194

1. Hain

ARTICLE III-195

1. Farnleitner
2. Hjelm-Wallén, Petersson, Lekberg
3. Muscardini
4. Roche
5. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
6. de Villepin

ARTICLE III-196

1. Barnier, Vitorino, O'Sullivan, Ponzano
2. Brok, Azevedo, Lequiller, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Kauppi, Lennmarker, Liepina, Maij-Weggen, Paks, Rack, Santer, Szajer, Teufel, Van Der Linden, Vilén, Kauppi, Van Dijk, Wittbrodt, Wuermeling
3. Dini
4. Farnleitner
5. Fischer
6. Hain
7. Hjelm-Wallén, Petersson, Lekberg
8. Kaufmann
9. Lang, Kelam, Hololei, Tonisson, Reinsalu
10. Lequiller
11. Michel, di Rupo, Van Lancker, Chevalier, Nagy
12. Muscardini
13. Paciotti, Berès, Berger, Thorning-Schmidt, Duhamel, Marinho, Carnero, Van Lancker, Einem, Andriukaitis, Severin, Meyer, Martini, De Rossa
14. Roche
15. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
16. de Villepin
17. Voggenhuber, Wagener, Lichtenberger, MacCormick, Nagy
18. de Vries, de Bruijn

ARTICLE III-199

1. Hain

ARTICLE III-200

1. Kaufmann
2. Voggenhuber, Wagener, Lichtenberger, MacCormick, Nagy

ARTICLE III-201

1. Farnleitner
2. Hain
3. Roche

ARTICLE III-202

1. Hain

ARTICLE III-203

1. Farnleitner
2. Fischer
3. Roche

ARTICLE III-205

1. Brok, Azevedo, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Giannakou, Kauppi, Kelam, Lenmarker, Liepina, Maij-Weggen, Paks, Rack, Santer, Stockton, Szajer, Teufel, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt, Wurmeling
2. Hain
3. Kaufmann
4. McAvan
5. Muscardini
6. Voggenhuber, Wagener, MacCormick, Lichtenberger, Nagy

ARTICLE III-206

1. Farnleitner
2. Hain
3. Hjelm-Wallén, Petersson, Lekberg
4. Yvonne Kaufmann
5. Roche

ARTICLE III-207

1. Brok, Azevedo, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Giannakou, Kauppi, Lennmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Stockton, Szajer, Van Der Linden, Van Dijk, Wittbrodt, Wuermeling
2. de Villepin
3. Demiralp
4. Farnleitner
5. Hain
6. Hjelm-Wallén, Petersson, Lekberg
7. Hübner
8. Yvonne Kaufmann
9. Lequiller
10. Roche
11. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
12. Voggenhuber, Wagener, MacCormick, Nagy

ARTICLE III-208

1. Brok, Azevedo, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Giannakou, Kauppi, Lamassoure, Lennmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Szajer, Teufel, Van Der Linden, Van Dijk, Wittbrodt, Wuermeling
1. de Villepin
2. Farnleitner
3. Haenel, Badinter
4. Hain
5. Hjelm-Wallén, Petersson, Lekberg
6. Hübner
7. Lang, Kelam, Hololei, Tõnisson, Reinsalu
8. Lennmarker
9. Roche
10. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
11. Voggenhuber, Wagener, MacCormick, Nagy

ARTICLE III-209

1. de Villepin
2. Demiralp
3. Farnleitner
4. Giannakou, Stylianidis
5. Hain
6. Hjelm-Wallén, Petersson, Lekberg
7. Hübner
8. Lang, Kelam, Hololei, Tõnisson, Reinsalu
9. Muscardini
10. Roche
11. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
12. Voggenhuber, Wagener, MacCormick, Nagy
13. de Vries, de Bruijn

ARTICLE III-210

1. Brok, Azevedo, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Giannakou, Kauppi, Kelam, Lamassoure, Lennmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Stockton, Szajer, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt, Wuermeling
2. de Villepin
3. Farnleitner
4. Hain
5. Hjelm-Wallén, Petersson, Lekberg, Lennmarker
6. Lamassoure
7. Lequiller
8. Roche
9. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
10. de Vries, de Bruijn

ARTICLE III-211

1. de Villepin
2. Hain
3. Kaufmann
4. Lennmarker
5. Lequiller
6. Lopes and Lobo Antunes
7. Voggenhuber, MacCormick, Wagener, Lichtenberger, Nagy
8. Fischer

ARTICLE III-212

1. Borrell, Carnero, Lopez-Garrido
2. Brok, Azevedo, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Kauppi, Kelam, Lamassoure, Lennmarker, Liepina, Maij-Weggen, Piks, Rack, Santer, Szajer, Van Der Linden, Vilen, Kauppi, Van Dijk, Wittbrodt, Wuermeling
3. Christophersen
4. de Villepin
5. Duff
6. Farnleitner
7. Haenel, Badinter
8. Hain
9. Hjelm-Wallén, Petersson, Lekberg
10. Hübner
11. Kaufmann
12. Kiljunen
13. Lamassoure
14. Lennmarker
15. Lequiller
16. Lopes, Lobo Antunes
17. McAvan, Paciotti, Berès, Berger, Thorning-Schmidt, Duhamel, Marinho, Carnero, Van Lancker, Einem, Andriukaitis, Severin, Meyer, Martini, De Rossa
18. Michel, di Rupo, Van Lancker, Chevalier
19. Roche

20. Teufel
21. Thorning-Schmidt
22. Tiilikainen, Peltomäki, Vilén, Takkula, Helle
23. Voggenhuber, Wagener, Lichtenberger, Nagy
24. de Vries, de Bruijn
25. Dybkjaer
26. Thorning-Schmidt
27. Fischer

CHAPITRE IV – general

1. Borrell, Carnero, Lopez-Garrido

ARTICLE III-213

1. Duff
2. Gabaglio
3. Hain
4. Michel, di Rupo, Van Lancker, Chevalier, Nagy
5. Borrell, Carnero, Lopez-Garrido
6. Dybkjaer
7. Borrell, Carnero, Lopez-Garrido
8. Thorning-Schmidt
9. Dybkjaer

ARTICLE III-214

1. Hain
2. Fischer

ARTICLE III-215

(no amendments)

ARTICLE III-216

1. Barnier, Vitorino, O'Sullivan, Ponzano
2. Hjelm-Wallén, Petersson, Lekberg

ARTICLE III-217

1. de Villepin
2. Hain
3. Hjelm-Wallén, Petersson, Lekberg
4. de Vries, de Bruijn

ARTICLE III-218

1. Hain
2. Hjelm-Wallén, Petersson, Lekberg
3. Lenmarker
4. McAvan
5. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
6. De Rossa
7. Thorning-Schmidt
8. Thorning-Schmidt

ARTICLE III-220

1. Hain
2. Hjelm-Wallén, Petersson, Lekberg
3. Roche
4. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
5. Fischer
- 6.

ARTICLE III-221

1. Hain

ARTICLE III-222

1. Barnier, Vitorino, O'Sullivan, Ponzano
2. Bonde
3. Brok, Azevedo, Lequiller, Akcam, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Giannakou, Kauppi, Kelam, Lenmarker, Liepina, Maij-Weggen, Paks, Rack, Santer, Stockton, Szajer, Teufel, Van Der Linden, Vilén, Kauppi, Van Dijk, Wittbrodt, Wuermeling
4. de Villepin
5. Duff
6. Farnleitner
7. Hain
8. Hjelm-Wallén, Petersson, Lekberg
9. Kaufmann
10. Thorning-Schmidt
11. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle
12. Voggenhuber, Wagener, Lichtenberger, MacCormick, Nagy
13. de Vries, de Bruijn
14. Wuermeling

ARTICLE III-223

1. Barnier, Vitorino, O'Sullivan, Ponzano
2. Kaufmann
3. Roche
4. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle

ARTICLE III-224

1. Hain
2. Hübner
3. Lennmarker
4. Michel, di Rupo, Van Lancker, Chevalier, Nagy
5. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle

ARTICLE III-225

1. Farnleitner
2. Hain
3. Hjelm-Wallén, Petersson, Lekberg
4. Hübner
5. Tiilikainen, Peltomäki, Kiljunen, Vilén, Takkula, Helle

ARTICLE III-226

1. Giannakou, Stylianidis
 2. Hjelm-Wallén, Petersson, Lekberg
 3. Kaufmann
 4. Roche
 5. McCormick, Voggenhuber, Wagener, Lichtenberger, Nagy
-

SUMMARY SHEET OF PROPOSED AMENDMENTS
PART III, TITLE VI: THE FUNCTIONING OF THE UNION

Subsection 1 – The European Parliament

Article III-227

First paragraph

- Add "system of proportional representation" (*am. 1 Helle*);
- Delete "component" (*am. 2 Roche*);

Third paragraph

- Replace the reference to the 2004-2009 Parliament by "with due regard for the provisions of Article I-19(2)" (*am. 2 Roche*);

Article III-230

- Delete the reference to "at the request of a quarter of its component members" (*am. 1 Bonde*).
- Draw a distinction between criminal investigations and judicial proceedings and stipulate that if criminal investigations or judicial proceedings commence after the Committee has been set up, the temporary Committee of Inquiry must terminate its proceedings as soon as possible (*am. 2 de Villepin*).

Article III-232

- Provide for an assistant European Ombudsman in every Member State (*am. 1 Muscardini*);

Article III-236

- Add that the European Parliament has the power to decide where it should sit (*am. 1 Duff*).

Article III-238

- A motion of censure should be adopted by a simple majority (rather than two thirds) (*am. 1 Bonde*);

Article III-238a (new)

- Spell out that Articles III-229 to 232 do not apply to the common foreign and security policy (*am. Hain*).

Subsection 2 – The European Council

Article III-239

- No amendments

Subsection 3 – The Council

Article III-240

- One amendment proposes to delete the reference to unanimity in paragraph 2 on the rules governing the rotation of the Presidency (am. 1 Lopes + 1). A second amendment proposes some editorial changes to paragraph 1, and at the same time suggests standardising the terminology of "Council of Ministers" throughout the Constitution. It also suggests deleting paragraph 2 (am. 2 Roche).

Article III-241

- No amendment.

Article III-242

- One amendment proposes adding a provision to the effect that the Council can decide its own seat (am. 2 Duff). A second amendment suggests the addition of a new paragraph on access by elected politicians to all meetings of the Council and its working groups, as well as to all documents (am. 1 Bonde).

Article III-243

- No amendments

Article III-244

- There is one amendment proposing that the Council, when it lays down the rules governing committees, does so only with the approval of the European Parliament (am. 1 Kaufmann).

Subsection 4 – The Commission

Article III-245

- Proposal for deletion of the adjective "European" before Commissioners and for use of the

generic term "Commissioner" throughout the section, once it has been spelt out in Article III-245 that the term covers both "voting and non-voting Commissioners": Roche + Lopes + Antunes

Article III-246

- Same proposal as for Article III-245 on the naming of Commissioners

- Addition of a provision expressly providing that the President of the Commission may be elected President of the European Council and that, in this eventuality, the provisions of the second paragraph (which prevent Commissioners from engaging in any other occupation or any action incompatible with their duties) would not apply to the President of the Commission: Brok + 22 + de Vries + de Bruijn + Duff

- Provide that national parliaments may give instructions to their "national Commissioner" following public debate: Bonde

- Reinstate the current wording of the Treaty (Article 213(2)) whereby members of the Commission are to perform their duties "in the general interest of the Union": Kaufmann

Article III-247

- Terminological amendment, whereby "Commissioner" would replace "European Commissioners and Commissioners": Lopes + Antunes

Article III-248

- Terminological amendment, whereby "Commissioner" would replace "European Commissioner or Commissioner": Lopes + Antunes

- allow the European Parliament to apply to the Court of Justice for dismissal of a European Commissioner on grounds of serious misconduct (power currently reserved for the Council acting by a qualified majority): Muscardini

Article III-249

- Terminological amendment, whereby "Commissioner" would replace "European Commissioners and Commissioners": Lopes + Antunes

- Provide that the President of the Commission may divide up responsibilities within the College "following Council agreement": Bonde

Article III-251

- Replace College by "Commission" (comprising the President, the Foreign Minister and all the Commissioners, whether voting or non-voting): Lopes + Antunes
- authorise the Foreign Minister/Vice-President to take, "on behalf of the Commission, any appropriate initiative" in the CFSP field which comes within the Commission's purview: Lequiller + de Villepin

Article III-252

- Terminological amendment, whereby "Commissioner" would replace "European Commissioners and Commissioners": Lopes + Antunes

Subsection 5 – The Court of Justice

There is already a summary sheet of the amendments to Part III which relate to the Court of Justice (see CONV 796/03 of 6 June 2003). Only amendments submitted after that date are considered below. Many of the amendments set out below are similar to the amendments contained in that summary sheet.

Article III-255

- Provide that the number of Advocates-General may be increased by decision of the Council taken by a qualified majority (instead of unanimity) (*am. 1 Brok + 25; am. 2 Fini*).

Article III-256

- Delete the reference to consultation of the panel (*am. 2 Lopes + 1; am. 3 Tiilikainen*);
- Nine-year non-renewable term of office and election of the President of the Court for a term of four and a half years. (*am. 2 Lopes + 1*)

Article III-257

- Delete the reference to consultation of the panel (*am. 2 Lopes + 1; am. 3 Tiilikainen*);
- Nine-year non-renewable term of office and election of the President of the Court for a term of

- four and a half years (*am. 2 Lopes + 1*)
- European Parliament consent to the Court of Justice's Rules of Procedure (*am. 1 Kaufmann*);

Article III-258

- Deletion of the panel (*am. 1 Fischer; am. 2 Lopes; am. 3 Tiilikainen + 5*);

Article III-259

- Stipulate that the High Court must abide by rulings given by national constitutional and higher courts and of the European Court of Human Rights (*am. 1 Bonde*)

Article III-260

- The decision to establish specialised courts should be adopted by a Council act by a qualified majority, but without applying ordinary legislative procedure (*am. 3 Hain*);
- Council decision by a qualified majority (*am. 1 Brok + 25*);
- Provide for European Parliament approval of the Rules of Procedure (*am. 4 Kaufmann*);

Article III-261

- Commission should be given the power to decide that a State has failed to fulfil its obligations (*am. 2 de Vries*);
- Allow states, organisations and individuals to notify the Commission that a State has failed to fulfil its obligations (*am. 1 McAvan*);
- Set a three-month deadline for the State's comments on the reasoned opinion (*idem*);
- The Commission should be required to inform the relevant European Parliament committees (*idem*).

Article III-262

- The Court must rule within six months (*am. 1 McAvan*);

Article III-263

- Deletion of paragraph 2 (*am. 5 Lopes; am. 7 Tiilikainen + 5, who is proposing the former Article 228 TEC*);
- Deletion of paragraph 3 (*am. 1 Villepin; am. 3 Fischer; am. 4 Hübner; am. 5 Lopes; am. 7 Tiilikainen*);
- Replace the Article with a new provision on the basis of the Commission decision placing on record that a Member State has failed to fulfil its obligations; if the Court considers that this is

the case, it is planned to establish a system of sanctions similar to the present one
(*am. 8 de Vries*);

- Provide in paragraph 2 or 3 that the Court may choose either a lump sum or a penalty and may set deadlines for submitting comments and for the Court ruling (*am. 6 McAvan*);

Article III-266

Paragraph 1

- Add the European Council (*am. 2 Brok + 25; am. 3 Farnleitner; am. 12 Duff*);
- Replace the list of institutions by "Union bodies" (*am. 10 Kaufmann, who proposes something similar for paragraph 3*);

Paragraph 4

- Replace "regulatory act" by "act" (*am. 2 Berger; am. 3 Farnleitner; am. 5 Paciotti + 14; am. 10 Kaufmann*);
- Replace "regulatory act" by "act of general application" (*am. 11 Fischer*);
- Replace "act of general application" by "act which is of concern to him and which is likely to have a substantial effect on his interests" (*am. 6 Voggenhuber + 3, which also deletes the words "and individual" (am. 12 Duff; am. 14 Fayot)*);
- Provide that "Any natural or legal person may, under the same conditions, institute proceedings against an act addressed to that person or against any other act with similar legal effects for the person concerned" (*am. 4 Tiilikainen + 5*);
- Leave the paragraph as it stands, but add that it does not apply to acts under Chapter IV of Part III (JHA) (*am. 7 Hain*);

Paragraph 4a (new)

- Mention the fact that other proceedings are provided for in the Protocol on the implementation of the subsidiary principle (*am. 9 Teufel*);
- Provide that either side of industry should be able to bring proceedings concerning the legality or the interpretation of the agreements or European framework laws provided for in Article III-101(2) (*am. 13 Gabaglio*).

Article III-267

- Deletion (*am. 1 Kaufmann*).

Article III-269

- Add the European Council and the ECB (*am. 1 Brok + 25*);
- Stipulate that this provision does not apply to acts pertaining to judicial and police cooperation in criminal matters (*am. 2 de Villepin*);

Article III-271

- Add the agreements referred to in Article III-101(2) (*am. 1 Gabaglio*);
- Set a three-month deadline in cases involving a person in custody (*am. 3 de Vries*);
- Provide that the preliminary rulings procedure may be used for acts under Chapter IV of Part III subject to a declaration to that effect by the Member States (*am. 2 Hain*).

Article III-278

- Delete the article (*am. 2 Brok + 22; am. 3 De Rossa; am. 4 Duff; am. 6 Kaufmann; am. 7 Paciotti + 14; am. 10 Voggenhuber + 3*);
- Provide that the Court does not have jurisdiction for Articles I-39 and I-40, apart from proceedings brought under Articles III-262, III-266 (but solely for proceedings brought by a State or by the Minister for Foreign Affairs), III-272, III-275 and III-276 (*am. 1 Barnier and Vitorino*);
- Provide that the Court does not have jurisdiction for Articles I-39 and I-40, except as regards proceedings under Article III-266(4) and III-271 where persons are directly and individually concerned (*am. 5 Fischer; see am. 9 Tiilikainen +5 along similar lines*).

Article III-279

- Delete article (*am. 1 Duff; am. 3 Brok + 25; am. 4 Fischer; am. 6 Kaufmann; am. 9 Paciotti + 14*);
- Keep the article as it stands, but without the final words "where such action is a matter of national law" (*am. 4 Hain; am. 5 Hjelm-Wallén + 2; am. 7 Lopes; am. 10 Teufel; am. 11 Tiilikainen +5; am. 12 de Vries*).

Article III-280

- Add that in case of doubt, national Parliaments or constitutional or higher courts should decide whether jurisdiction lies with the Member States or with the Union (*am. 1 Bonde*).

Article III-281

- Adoption of the Court of Justice's Rules of Procedure should be by act of Council, not by ordinary legislative procedure. (*am. 1 Hain*).

Subsection 6 – The Court of Auditors

Articles III-286 and III-287 (Court of Auditors)

- The article on the Court of Auditors should be recast in order to set up a nine-member Board of Auditors: Hjelm-Wallén + 3 + Hain
- The Court of Auditors should be renamed the European Union Audit office: Hain
- The Court of Auditors' Rules of Procedure are to be adopted after approval by the Council "and consent of the European Parliament": Kaufmann
- Provide that "the Court of Auditors may demand any document from a natural or legal person who has received Union finance": Bonde

Section 2 – The Union's advisory bodies

Article III-288 (ex Article 263)

- add that all the members of the Committee must be elected representatives (*am. 1 Bonde*)
- add a definition of the role of the Committee of the Regions, to include ensuring that Union policies take account of the regional and local dimension (*am. 2 Chabert, Dammeyer, Dewael, du Granrut, Martini, Valcarcel Siso*)

Article III-290 (ex Article 265)

- take account of the fact that three Institutions are mentioned (*am. 2 Teufel and am. 1 Chabert*). Reinstating the ECR's right to issue an opinion on its own initiative in cases in which it considers such action appropriate (*am. 2 Teufel*)
- provide for a general clause on consultation of the Committee of the Regions in all the areas provided for in Arts. I-13, I-14 and I-16 and allow the CoR to submit written and oral questions to the Commission. Provide that the Council and the European Parliament must regularly

submit a reasoned report following opinions by the CoR (am. 1 Chabert, Dammeyer, Dewael, du Granrut, Martini, Valcarcel Siso)

Article III-291 (ex Article 258)

- delete the legal basis determining the composition of the committee (am. 1 de Villepin)

Article III-292 (ex Article 259)

- make clear that the composition of the ESC must strike a balance between the three components of organised civil society referred to in Article I-31 (am. 2 Brok, and am. 3 Sigmund, Briesch and Frerichs)
- delete the specific reference to economic and social sectors, leaving the only the more general reference to the various sectors of civil society (am. 1 Borell, Carnero, López Garrido, and am. 3 Sigmund, Briesch and Frerichs)

Article III-294 (ex Article 262)

- delete the reference to the opinion of the specialised section, since there is no reference to any such opinion elsewhere (am. 1 Borell, Carnero, López Garido and am. 5 Sigmund, Briesch, and Frerichs)
- insert a new Article 294a setting out the duties of the ESC in relatively detailed fashion (am. 1 Borell, Carnero, López Garido, am. 5 Sigmund, Briesch, Frerichs, am. 4 Gabaglio and am 3. Brok)
- change the ESC's name by adding "European" in the heading (EESC) (am. 3 Brok and am. 5 Sigmund, Briesch and Frerichs)

Section 3 – The European Investment Bank

Article III-295

- There are six amendments proposing that the procedures for modifying the EIB statute be subject to unanimity in the Council (am.3 Hain, am.4 Hjelm-Wallén + 2, am.5 Roche, am.6 de Villepin, am.7 de Vries + 1).

- Two amendments propose deleting the entire phrase referring to the procedures for amending the EIB statute (am.1 Farnleitner, am.8 Fischer).

Article III-296

- There is one amendment proposing that the first paragraph include a reference to the EIB's contribution to the objectives of the Union as set out in Article I-3. The same amendment also suggests adding that the EIB be accountable to the European Parliament (am.1 Voggenhuber +3).

Section 4 – Provisions common to the Union's institutions and bodies

Article III-297

- Provide that the Council may amend the Commission proposal by a "qualified majority" (not unanimity): Bonde
- Insert a provision allowing special aid for one or more Member States in order to help them implement European legislation. Temporary exemptions might also be envisaged: Frendo

Article III-298

- recast the codecision procedure: Bonde
- Delete the reference to voting in Council by a "qualified majority" in paragraph 8 since this goes without saying unless stated otherwise: Dini

Article III-299

- Place a duty on the Institutions to "share information": Voggenhuber + 4,
- Submit institutional arrangements to ratification by national parliaments: Bonde

Article III-300

- Delete the article on the European public service

Article III-301

- No special provisions for the Court of Justice or the European Central Bank; make them subject to ordinary law on public access to documents and lay down any exemptions to the general rules in a European law: Hjelm-Wallén + 2 + Lennemarker
- Clarify and expand paragraph 2 by covering explanations of vote and declarations: Hjelm-Wallén + 2 + Lennemarker and verbatim reports, Duff
- Delete the article: Kaufmann

Article III-302

- Bring the "members of the Committee of the Regions" within the scope of this Article (in the same way as members of the Economic and Social Committee): Chabert + 5
 - Provide that salaries should be set by a European law (and not by a European decision of the Council): Kaufmann
-

SUMMARY SHEET OF PROPOSED AMENDMENTS
PART III, TITLE VI: THE FUNCTIONING OF THE UNION

Chapter II: Financial provisions

SECTION 1: THE MULTIANNUAL FINANCIAL FRAMEWORK

Article III-304 (multiannual financial framework)

Three amendments spell out in more detail the content of the financial framework. Amendment 3 (Brok and others) advocates establishing a flexibility mechanism, amendment 6 (Palacio) proposes including guidelines for utilisation of appropriations within the categories of expenditure and amendment 1 (Barnier and others) calls for the provision of procedures for implementation and adjustment.

Amendment 2 (Berès and Duhamel) proposes applying the ordinary legislative procedure to the adoption of the financial framework, which is incompatible with Article I-54. Amendments, 5 (Hain) and 7 (de Vries), de Bruijn, propose considering the last financial perspective adopted before the entry into force of the Constitution as a reference point for extending the last year if agreement on a new financial framework is not reached in time.

SECTION 2: THE UNION'S ANNUAL BUDGET

Article III-306 (annual budgetary procedure)

Amendment 9 (Bonde) proposes special majorities for adopting the annual budget (75% of States, representing 50% of the population, in the Council and a simple majority in the Parliament).

Amendments 8 (Barnier and others) and 16 (Voggenhuber and others) propose that the Parliament should carry out the first reading. They also propose amending the deadlines.

In the event of disagreement between the Parliament and the Council, amendments 10 (Villepin), 11 (Farnleitner), 12 (Hain), 13 (Hjelm-Wallén and others) and 17 (de Vries and de Bruijn) propose adopting the lower amount.

Amendment 44 (Fischer) also proposes that between the amount of the budget of the previous year and that proposed by the Commission, the lower should be chosen.

With regard to the majorities required in the Parliament, amendment 15 (Tiilikainen and others) proposes adjusting them, according to the opinion expressed by the Commission, and amendments 11 (Farnleitner), 17 (de Vries and de Bruijn) and 8 (Barnier and others) propose requiring a greater majority for ratifying its own amendments if the Conciliation Committee fails to reach agreement.

Amendments 8 (Barnier and others), 12 (Hain) and 13 (Hjelm-Wallén) are opposed to the possibility of the Parliament rejecting the joint text.

Article III-308 (structure of the annual budget)

Amendments 19 (Lopes and Lobo Antunes) and 20 (Tiilikainen and others) propose that expenditure by the Court of Auditors should form a separate part of the budget.

SECTION 3: IMPLEMENTATION OF THE BUDGET AND DISCHARGE

Article III-309 (implementation of the budget)

Amendments 21 (Villepin), 22 (Hain) and 45 (Fischer) advocate deleting "in cooperation with the Member States" in the context of responsibility for implementation of the budget, which falls to the Commission.

Article III-310 (submission of accounts)

Amendment 24 (Barnier and others) proposes omitting the evaluation report, whilst amendment 25 (Tiilikainen and others) proposes defining it more precisely.

Article III-311 (discharge)

Amendment 26 (Barnier and others) advocates involving the Member States in the discharge procedure and amendment 27 (Voggenhuber and others) proposes rendering the wording of the article more precise.

SECTION 4: COMMON PROVISIONS

Article III-314 (financial rules)

With regard to the adoption procedure, amendments 28 (Villepin), 29 (Hain) and 30 (Hjelm-Wallén and Petersson) advocate replacing the ordinary legislative procedure by a Council law adopted by a qualified majority after consultation of the Parliament. The latter amendment and amendment 31 (Michel and others) propose that the Council act by a quality majority as from the entry into force of the Constitution rather than from 2007.

Amendment 33 (Tiilikainen and others) spells out the content of the financial rules.

Amendment 29 (Hain) advocates unanimous adoption by the Council of the regulation determining the methods for making resources available.

Amendment 35 (Wuermeling and Altmaier) states that acts adopted on the basis of this article and Article I-53(4) cannot alter the allocation of resources.

Article III-315 (legal obligations)

Amendment 37 (Hjelm-Wallén and others) advocates deleting this provision, whereas amendments 36 (Villepin) and 38 (Roche) propose more precise wording.

Article III-316 (interinstitutional cooperation)

Amendments 39 (Brok and others) and 40 (Lopes and Lobo Antunes) request that interinstitutional meetings may also be convened at the initiative of the Parliament and the Council. Amendment 41 (Voggenhuber) proposes deleting the reference to the institutions being represented by their Presidents.

Amendment 46 (Fischer) advocates deleting the article.

Article III-317 (combating fraud)

Amendment 43 (de Vries and de Bruijn) is opposed to laws being adopted in this field.

Amendment 42 (Hain) proposes reincorporating the exclusion of measures concerning the application of national criminal law, as contained in Article 280 of the TEC, the deletion of which has been proposed as a result of the provisions concerning an area of freedom, security and justice.

Horizontal amendments

Amendments 14, 18, 23 and 32 (Roche) confirm his support for the budgetary provisions insofar as the decision-making mechanisms for certain aspects of agricultural policy remain unchanged.

LIST OF AMENDMENTS – Title VI, Chapter II : Financial provisions

Article III-304 (multiannual financial framework)

1. Barnier + 3 Convention members
2. Berès, Duhamel
3. Brok + 25 Convention members
4. Fischer
5. Hain
6. Palacio
7. de Vries, de Bruijn

Article III-306 (annual budgetary procedure)

8. Barnier + 3 Convention members
9. Bonde
10. de Villepin
11. Farnleitner
12. Hain
13. Hjelm-Wallén + 2 Convention members
14. Roche
15. Tiilikainen + 5 Convention members
16. Voggenhuber + 4 Convention members
17. de Vries, de Bruijn
44. Fischer

Article III-307

18. Roche

Article III-308 (structure of the annual budget)

19. Lopes, Lobo Antunes
20. Tiilikainen + 5 Convention members

Article III-309 (implementation of the budget)

21. de Villepin
22. Hain
23. Roche
45. Fischer

Article III-310 (submission of accounts)

24. Barnier + 3 Convention members
25. Tiilikainen + 5 Convention members

Article III-311 (discharge)

26. Barnier + 3 Convention members
27. Voggenhuber + 4 Convention members

Article III-314 (financial rules)

28. de Villepin
29. Hain
30. Hjelm-Wallén + 2 Convention members
31. Michel + 4 Convention members

- 32. Roche
- 33. Tiilikainen + 5 Convention members
- 34. de Vries, de Bruijn
- 35. Wuermeling, Altmaier

Article III-315 (legal obligations)

- 36. de Villepin
- 37. Hjelm-Wallén + 2 Convention members
- 38. Roche

Article III-316 (interinstitutional cooperation)

- 39. Brok +27 Convention members
- 40. Lopes, Lobo Antunes
- 41. Voggenhuber + 4 Convention members
- 46. Fischer

Article III-317 (combating fraud)

- 42. Hain
 - 43. de Vries, de Bruijn
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SUMMARY SHEET OF PROPOSED AMENDMENTS**PART III, TITLE VI****Chapter III: Enhanced cooperation**

A summary of the amendments to Part III concerning enhanced cooperation provisions has already been produced (see CONV 791/03, 6 June 2003).

Only amendments submitted after that date are examined below. Many of them are similar to amendments already covered in the abovementioned summary.

Article III – new (323a or 325a: crossovers)

Several amendments propose that participants in enhanced cooperation be able to decide to change which of the decision procedures laid down in the Constitution they apply when adopting acts in this framework. This means either moving from unanimity to qualified majority voting in Council or moving from a special legislative procedure to the ordinary legislative procedure, as with the crossovers provided for in Article I-24(4) (am. 1, Fischer; am. 2, de Villepin; am. 3, Michel + 5).

Article III – 318 (ex Article I: defence)

- Make the provisions on enhanced cooperation more clearly applicable in the area of defence, except for the launching and conduct of crisis management operations, without prejudice to the other forms of cooperation provided for in Article I-40, and reduce the minimum participation threshold to three or five Member States (am. 4, Fischer; am. 5, de Villepin).
- Make the institutional guarantees and the enhanced cooperation procedures applicable to the various forms of cooperation in the area of defence, while taking account of the specific provisions laid down in Articles I-40 and III-206 to 209 (am. 6, Brok + 23 PPE).

- Make the enhanced cooperation provisions applicable in the area of defence by deleting Article III 318. Also delete the specific forms of cooperation provided for in Articles III-208 and III-209 (am. 9, Tiilikainen + 5).
- Do not exclude Article III-207 on the Armaments Agency from the scope of enhanced cooperation (am. 4, Fischer; am. 5, de Villepin).
- Make the provisions on enhanced cooperation applicable to the "structured" cooperation provided for in Article I-40 (am. 2, Lennmarker).
- Require unanimity and approval by national parliaments in the procedure for authorising enhanced cooperation in the area of defence (am. 1, Bonde).
- Restrict enhanced cooperation in the CFSP area to the implementation of joint actions or common positions, as in the Nice Treaty (am. 8, Roche; am. 7, Hain).
- Exclude CFSP from the scope of enhanced cooperation (am. 3, Hjelm-Wallén + 3).
- Reintroduce Article 27B of the TEU for the CFSP area (am. 8, Roche).
- Exclude CFSP from the scope of enhanced cooperation (am. 3, Hjelm-Wallén + 3; am. 7, Hain).

Article III – 319 (ex Article J: conditions)

- Add requirement to respect the single institutional framework of the Union, in accordance with Article 43(1)(b) of the TEU (am. 3, Farnleitner; am. 4, Roche).

- Strengthen the Commission's role, in particular by allowing it to derogate from the restrictions laid down in the second paragraph of Article III – 319 (am. 1, Fischer; am. 2, de Villepin).

Article III – 321 (ex Article L)

- Delete the reference to "any conditions of participation" and add the words "*encourage and facilitate*" (am. 5, Roche).

Article III – 322 (ex Article M: authorisation procedure)

- Certain amendments aim to make the authorisation procedure simpler, by providing in particular that enhanced cooperation may be initiated as soon as a request from a certain number of Member States is approved by the Commission, subject to a contrary Council decision by qualified majority or Parliament decision by augmented qualified majority (am. 3, Fischer; am. 4, de Villepin).
- Certain amendments recommend entitling the Commission to make a proposal for enhanced cooperation, without a prior request from Member States being required (and without prejudice to Member States' freedom to choose whether or not to take part) (am. 3, Fischer; am. 4, de Villepin, am. 6, Hübner).
- In the area of police and judicial cooperation in criminal matters (or "operational aspects" of the Area of Freedom, Security and Justice) a group of Member States could apply directly to the Council if the Commission does not itself submit such a proposal (am. 1, Haenel and Badinter; am. 3, Fischer; am. 4, de Villepin). The European Parliament would be notified of the application (rather than its assent being required) (am. 1, Haenel and Badinter).
- The Commission entitled to propose a derogation from the minimum number of participating States (am. 4, de Villepin).

- Possibility of referring a CFSP matter to the European Council, which decides by unanimity (am 5, Hain; am. 6, Hübner, am. 8, Roche). Authorisation decision by unanimity if the Commission gives a negative opinion (am. 6, Hübner). Use of the same procedure as that laid down for CFSP in Article III-196 (am. 2, Lang + 3). Prior consultation of other Member States by the Union Minister for Foreign Affairs (am. 9, Roche).
- Authorisation procedure by unanimity in all fields (am. 7, Muscardini).

Article III – 323 (ex Article N: procedure for participation at a later stage)

- Delete the decision procedure. The participation request can only be accepted, subject to the adoption of the measures required for participation (am. 1, Roche).

Article III – 324 (ex Article O: funding)

- Possibility of using the Community budget, in compliance with the authorisation procedure (in particular by qualified majority, in place of a unanimous Council decision) (am. 1, de Villepin).

List of amendments

Article III – new (323a or 325a: crossovers)

1. Joschka Fischer
2. de Villepin
3. Louis Michel, Elio di Rupo, Anne Van Lancker, Pierre Chevalier, Marie Nagy

Article III – 318 (ex Article I: defence)

1. Bonde
2. Göran Lennmarker
3. Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg, Kenneth Kvist
4. Joschka Fischer
5. de Villepin
6. Brok, Azevedo, Akcam, Almeida Garrett, Altmaier, Brejc, Demetriou, Figel, Fogler, Frendo, Kauppi, Lennmarker, Liepina, Maij-Weggen, Paks, Rack, Santer, Szajer, Teufel, Van Der Linden, Van Dijk, Wittbrodt, Wuermeling
7. Hain
8. Dick Roche
9. Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

Article III – 319 (ex Article J: conditions)

1. Joschka Fischer
2. Mr de Villepin
3. Farnleitner
4. Dick Roche

Article III – 321 (ex Article L)

1. Dick Roche

Article III – 322 (ex Article M: authorisation procedure)

1. Hubert HAENEL and Robert BADINTER
2. Rein Lang, Tunne Kelam, Henrik Hololei, Liina Tõnisson, Urmas Reinsalu
3. Joschka Fischer
4. de Villepin
5. Hain
6. Danuta Hübner
7. Cristiana MUSCARDINI
8. Dick Roche

Article III – 323 (ex Article N: procedure for participation at a later stage)

1. Louis Michel, Elio di Rupo, Anne Van Lancker, Pierre Chevalier, Marie Nagy

Article III – 324 (ex Article O: funding)

1. de Villepin

SUMMARY SHEET OF PROPOSED AMENDMENTS

PART III, TITLE VII: COMMON PROVISIONS

Article III-326 (ex Article 299: Outermost regions)

- Replace "French overseas departments" by "outermost regions of Guadeloupe, French Guiana, Martinique, Réunion and Mayotte" (*am. 1, de Villepin*).
- Provide for the ordinary legislative procedure (*am. 2, Kaufmann*).
- Do not exclude legislative instruments *ab initio*. State the purpose of measures adopted by the Union (customs and trade policy, fiscal policy...) (*am. 3, Lopes + 1*).
- Add a new Article III-326a allowing special treatment for Nordic regions with regard to State aid and structural funds (*am. 4, Tiilikainen + 5*).

Article III-329 (ex Article 283: Staff Regulations)

- Change the ordinary legislative procedure to the special legislative procedure with consultation of the European Parliament (*am. 1, de Villepin am. 9, Fischer*), or just consultation of the Institutions concerned (*am. 3, Roche; am. 4, Hjelm-Wallén; am. 6, Hain; am. 7, de Vries + 1; am. 8, Farnleitner*), as in the current procedure.
- Introduce the concept of European civil service. Consultation of unions on amendments to the Staff Regulations (*am. 2, Gabaglio*).
- Provide for consultation of the Institutions "*and bodies*" concerned (*am. 5, Chabert + 5*).

Article III-331 (ex Article 285: Statistics)

- New wording, stating among other things that the European statistics system shall include the statistics service of the Union and the national statistics institutes, and other statistics authorities of the Member States (*am. 1, De Rossa; am. 3, de Vries + 1*). To the same effect (*am. 2, Van Lancker + 13; am. 4, Berger + 2*).

Article III-332 (ex Article 287: Obligation of discretion)

- Add a new Article 332a laying down the principle of the freedom of expression for officials (*am. 1, Hjelm-Wallén + 5*).

Article III-334 (ex Article 289: Seat of the Institutions)

- Delete the Article. See amendments to Article III-236 and III-242 authorising the Parliament and the Council to determine the seats of their Institutions (*am. 1, Duff*). To the same effect (*am. 2, Kaufmann*).

Article III-334a: new (Symbols of European identity)

- New Article on the flag, the currency, the anthem and 9 May, Union Day (*am. 1, Brok + 22*).

Article III-335 (ex Article 290: Rules governing languages)

- Provide for the ordinary legislative procedure, in place of a Regulation (*am. 1, Kaufmann*).

Article III-338a (ex Article 305(2): Relationship with the Euratom Treaty)

- Reinstate the old Article 305(2) of the TEC stating that the Constitution does not derogate from the provisions of the Euratom Treaty (*am. 1, Barnier + 3*).

List of amendments

ARTICLE III-326 (ex Article 299)

1. de Villepin
2. Yvonne Kaufmann
3. Ernâni Lopes and Manuel Lobo Antunes
4. Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

ARTICLE III-329 (ex Article 283)

1. de Villepin
2. Emilio Gabaglio
3. Dick Roche
4. Hjelm-Wallén
5. Chabert, Dammeyer, Dewael, du Granrut, Martini, Valcarcel Siso
6. Hain
7. De Vries, De Bruijn
8. Farnleitner

ARTICLE III-331 (ex Article 285)

1. Proinsias De Rossa
2. Anne Van Lancker, Maria Berger, Caspar Einem, Helle Thorning-Schmidt, Olivier Duhamel, Luis Marinho, Elena Paciotti, Carlos Carnero, Vytenis Andriukaitis, Adrian Severin, Jürgen Meyer, Claudio Martini, Proinsias De Rossa
3. de Vries, de Bruijn
4. Maria Berger, Caspar Einem, Gerhard Tusek
5. Ivan Korčok, Slovak Republic

ARTICLE III-332 (ex Article 287)

1. Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg, Göran Lenmarker, Kenneth Kvist, Ingvar Svensson

ARTICLE III-334 (ex Article 289)

1. Andrew Duff
2. Sylvia-Yvonne Kaufmann

ARTICLE III-334a NEW

1. Brok, Szajer, Akcam, Teufel, Giannakou, Van Der Linden, Lamassoure, Brejc, Demetriou, Figel, Liepina, Santer, Kelam, Kroupa, Tajani, Almeida Garrett, Altmaier, Kauppi, Lenmarker, Maij-Weggen, Rack, Vilen, Würmeling.

ARTICLE III-335 (ex Article 290)

1. Sylvia-Yvonne Kaufmann

ARTICLE III-338 (ex Article 296)

1. Barnier, Vitorino, O'Sullivan and Ponzano



SUMMARY SHEET OF PROPOSED AMENDMENTS

EURATOM PROTOCOL

- Delete whole text of the Protocol (*am.2 Voggenhuber + 6; am.8 Bonde* – which also raised the possibility of enhanced cooperation – *am.9 Farnleitner*);
- Delete text of the Protocol and replace it with a sentence to the effect that the High Contracting Parties agree to the organisation of a conference to revise the Euratom Treaty, in 2007 at the latest (*am.1 McAvan + 12; am.3 Berger + 3*);
- Leave the text of the Protocol unchanged, but insert a new article at the beginning stating that "*the provisions of this Treaty shall be revised five years after the entry into force of the Constitution*" (*am.7 Duff*);
- Leave the text of the Protocol unchanged, but insert in the first recital "*until December 2007, when a new treaty on sustainable energy sources will enter into force*" (*am.6 De Rossa*, which also refers in the second recital to values, objectives and in particular sustainable development);
- Delete Articles 1 and 2 and the reference to Article 184 in Article 6, in order to keep the Euratom Community and its legal personality separate (*am.10 Fischer*);
- State in a new article that the provisions of the Constitution do not derogate from the provisions of the Euratom Treaty and specify that Article 198(a) does not apply to the Faroe Islands (*am.5 Hain*);
- Drafting amendment (*am.4 Roche*).

List of amendments

1. McAvan +12 Convention members
 2. Voggenhuber + 6 Convention members
 3. Berger + 3 Convention members
 4. Roche
 5. Hain
 6. De Rossa
 7. Duff
 8. Bonde
 9. Farnleitner
 10. Fischer
-

SUMMARY SHEET OF PROPOSED AMENDMENTS

PART IV: GENERAL AND FINAL PROVISIONS

I. SUMMARY OF AMENDMENTS

Most of the amendments to this part concern Article IV-6 on the procedure for revising the Treaty establishing the Constitution, in particular the possible inclusion of a streamlined amendment procedure for some parts of the Constitutional Treaty. Some of those amendments propose that revision of certain parts of the Constitution require a 5/6 majority in the European Council and approval by the European Parliament. The parts for which a more flexible amendment procedure has been suggested include either Part III as a whole or Part III except for those provisions which affect Union and Member State competences; others have suggested a more flexible amendment procedure for provisions other than those of Titles I to III and IX of Part I, Part II and Part IV, provided the changes do not affect Union competences or the balance between institutions. Some amendments propose that changes to the Constitution be adopted by a 5/6 majority of the Member States and/or that they enter into force following ratification by 4/5 of the Member States. A few amendments propose maintaining the current procedure but providing that, in the event of ratification problems in one or more Member States, the European Council should act by a qualified majority on a Commission proposal as regards entry into force of the revision Treaty. With regard to the composition of the Convention, some amendments call for the Court of Justice, the Economic and Social Committee, the Committee of the Regions, the Court of Auditors or the European social partners to participate as observers.

II. ANALYSIS OF AMENDMENTS

Article IV-1 (Repeal of earlier Treaties)

- Include a reference to the repeal of the Euratom Treaty in 2007: *Voggenhuber and 6 others*.

Article IV-2 (Legal continuity in relation to the European Community and the European Union)

- Need to review all Union legislation in order to repeal any acts which are obsolete or where such legislation could be adopted at national or local level (Bonde).
- Replace "European Communities" by "European Community": (Voggenhuber and 4 others, Berger and 2 others).
- Delete the reference to the Court of Justice (Kaufmann).

Article IV-3 (Scope)

- Replace the French overseas departments with a list of France's outermost regions. Provide for specific arrangements for entry into force and implementation in respect of Mayotte (de Villepin).
- Include a reference to application of the constitutional Treaty to Mount Athos (Giannakou).

Article IV-4 (Regional unions)

- Include the possibility of regional unions between Member States other than Belgium, Luxembourg and the Netherlands (Berès and 6 others).

Article IV-5 (Protocols)

- Draw up a list of Protocols annexed to the Constitution, to be examined by the Convention (Brok and 25 others).

Article IV-6 (Procedure for revising the Treaty establishing the Constitution)

- Include under paragraph 2 the need for approval by the European Parliament of the European Council's decision not to convene an intergovernmental conference (Berès and 4 others, Gabaglio).
- Include among the Convention members a number of eminent persons holding different views on European integration, as well as representatives of civil society and organisations (Bonde).
- Have the Economic and Social Committee represented in the Convention (Borrell and 2 others, Sigmund and 2 others).
- Specify the number of representatives from each component of the Convention and the number of vice-chairmen. Stipulate that the Intergovernmental Conference should be based on the outcome of the Convention (Brok and 20 others, Kaufmann).
- Include in the Convention, as observers, representatives of the Committee of the Regions, the Economic and Social Committee and the European social partners (Gabaglio).
- Include in the Convention, as observers, a representative of the President of the Court of Justice, of the Court of Auditors, of the Committee of the Regions, of the Economic and Social Committee and of the European Ombudsman (Giannakou).
- Include the requirement that the Convention should submit a draft to the Intergovernmental Conference within one year (Giannakou).
- Provide that Article IV-6 should be the only one applicable to changes to the Constitution (Brok and 20 others).
- Provide that changes to the Constitution should enter into force after ratification by 4/5 of the Member States (Brok and 20 others).
- Provide that the Intergovernmental Conference should act by a 5/6 majority of the Member States (Duff).
- Omit the Convention (Wuermeling).
- Provide for a streamlined procedure for the adoption and entry into force of changes to Part III: approval by 5/6 of the members of the Intergovernmental Conference, following approval by the European Parliament by a 2/3 majority of the votes cast (Michel and 4 others).
- Provide for a more flexible procedure for amendments to certain provisions of Part III, in cases where Union and Member State competences are not affected. The Conference would approve the amendments by a 5/6 majority of the Member States. The European Council

would decide on the arrangements for entry into force by a 5/6 majority of the Member States, after receiving the opinion of the Court of Justice and the approval of the European Parliament (Amato, Brok, Lamassoure, Duff and 15 others).

- Provide for a more flexible amendment procedure for provisions of the Constitution other than those of Titles I to III and IX in Part I, Part II and Part IV, provided such changes do not confer new powers on the Union and do not alter the balance of power between institutions: amendment by the European Council, acting by a 5/6 majority of its members, following approval by the European Parliament, consultation of the Commission (and of the European Central Bank if the amendments involve monetary issues) and delivery of an opinion by the Court of Justice. Entry into force of the amendments two years after the European Council's decision, unless the Council unanimously sets a later date (Barnier and 4 others).
- Provide that the Intergovernmental Conference decide by a 5/6 majority of the Member States in cases where neither the Charter of Fundamental Rights nor Union and Member State competences are affected. The European Council would determine the arrangements for entry into force of the amendments by a 5/6 majority of the Member States, after obtaining the opinion of the Court of Justice and the approval of the European Parliament (Voggenhuber and 3 others).
- Include a provision in paragraph 4 whereby the European Council, acting on a Commission proposal, would decide by a qualified majority on the entry into force of the revision Treaty and the withdrawal of any Member States which had failed to ratify it (de Villepin, Lequiller).

Article IV-7 (Adoption, ratification and entry into force of the Treaty establishing the Constitution)

- Provide for a special agreement, maintaining the status quo, to be concluded with any Member States which fail to ratify an amendment to the Constitution (Bonde).
- Add a paragraph to the Declaration in the Final Act on the adoption, ratification and entry into force of the Constitution so as to provide that, in the event of difficulties with ratification in one or more Member States, the European Council would convene an Intergovernmental Conference aimed at revising Article 48 of the TEU and enabling the Constitution to enter into force (Brok, Duff, Amato).

New article (Union emblems)

- Include a new article on the emblems of the Union: flag, currency, anthem and 9 May as Europe Day (Duhamel and 5 others).

List of amendments

1. Voggenhuber + 6 Conventionnels
 2. Berger + 2 Conventionnels
 3. Bonde
 4. Kaufmann
 5. Voggenhuber + 4 Conventionnels
 6. de Villepin
 7. Giannakou
 8. Berès + 17 Conventionnels
 9. Brok + 25 Conventionnels
 10. Barnier + 3 Conventionnels
 11. Berès + 15 Conventionnels
 12. Bonde
 13. Borrell + 2 Conventionnels
 14. Brok + 20 Conventionnels
 15. de Villepin
 16. Duff
 17. Giannakou
 18. Kaufmann
 19. Michel + 4 Conventionnels
 20. Sigmund +2 Conventionnels
 21. Teufel + 2 Conventionnels
 22. Voggenhuber + 3 Conventionnels
 23. Wuermeling
 24. Gabaglio
 25. Bonde
 26. Duff
 27. Kaufmann
 28. Fayot + 4 Conventionnels
 29. Amato + 3 Conventionnels
 30. Amato + 17 Conventionnels
 31. Lequiller
 32. Amato + 2 Conventionnels
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