

Joint position

1. Revision clause

Future revisions of the European Constitution are inevitable. The requirement of unanimity will block the necessary adjustments in the enlarged Union of 25 or more Member States. Therefore a more flexible procedure is indispensable for Amendments to the Constitution which do not result in a shift of competences or in a change to the Charter of Fundamental Rights. For these exceptional cases of Amendments the consent of 5/6 of the Member States is sufficient (Art IV 6). Such a change would deliver the Union genuine constitutional status (Amato, Brok, Duff Amendment to Art IV-6).

2. Balance between the President of the European Council and the President of the Commission

Preconditions to be met for the acceptance of a permanent President of the European Council :

- Right of the President-elect of the Commission to reject candidates for Commission proposed by the Member States. (Nice status quo)
- European Council puts forward candidate for President of the European Commission "after appropriate consultations" and taking into account the result of the elections to the European Parliament. (Art 25 para 1 to be maintained)
- "Commissioners" to be subject to the same selection procedure as the "European Commissioners", i.e. approval by the European Parliament (Art 25 para 3, Art 26 para 2)
- Functions of the President of the European Council shall not prejudice the competences of the other Union Institutions. (Art 21 para 2)

3. Extension of QMV

QMV as the general rule, also in CFSP

- "passerelle" (Art 24 IV) with decision taking in the European Council by super QMV
- CFSP: QMV after joint proposal by Foreign Minister and Commission
- Individual cases in Part 3 to be settled by Convention after Thessaloniki

4. Council formations

The General Affairs and Legislative Council, in its General Affairs function and not the European Council, shall decide on further formations. (Art 23 para 3)

5. European Court of Justice

The scope of the European Court of Justice to be extended across the whole constitution.

6. Right of legal initiative for the European citizens

7. No European laws without approval of the European Parliament