

NOTE

from: Presidency
dated: 24 October 2003
to: Delegations

*Subject: IGC 2003
– Non-institutional issues; including amendments in the economic and
financial field*

1. Delegations will find attached a complete list, arranged by subject, of the non-institutional issues which have been submitted by delegations in response to the request from the Presidency. This list will constitute the basis for the discussions at the meeting of Ministers in Brussels on 27 October 2003. In this context, the Presidency reminds delegations that in order to keep the discussions on the right track, a high degree of self-discipline is needed.
2. The list is organised according to subject under broad headings. It does not include points relating to the scope of Qualified Majority Voting, since these are the subject of a separate document.
3. Several delegations have raised the issue of defence. However this has been identified as one of several key issues on which the Presidency has already scheduled separate discussions.

4. **A series of points have been included relating to the Union's finances/budget and to economic and financial policy. Many of these points have been the subject of discussions by ECOFIN Ministers: they are marked with an asterisk (*). A large number of delegations have indicated that they are prepared to accept them as a whole. Where delegations have indicated that they attached particular importance to certain points, this has been specified. Other delegations do not feel at ease with the initiative of the ECOFIN Council and are not ready to accept the ECOFIN Ministers' package as a whole as there is a risk that it would undermine, in particular, the overall institutional balance. Some of them would however be able to accept some of the points.**

5. Several delegations referred in their submissions to issues which they did not intend to raise themselves, but on which they would support others. These have therefore only been included in the list if they were raised by other delegations.

Preamble

1. **Name of the Treaty**: should be Constitutional Treaty for the EU (**SK**)
2. **Preamble**: include a reference to **Christian inheritance of Europe (ESP, IRL, MT, PL, PT, SK, LT; CZ** wishes to enlarge even more this proposal to a reference to Ancient Greek philosophy, Roman law, Jewish and Christian roots and rationalism. **T** and **CY** opposed to such a mention.)

General

3. **Union's values**: include new values (Art. 2):
 - **Rights of national and ethnic minorities (HU)**. **SK** and **LV** opposed to such a mention.
 - **Equality between men and women (SW)**
4. **Union's objectives** (Art. 3):
 - **Include new objectives**: economic and monetary Union and policies for economic and social cohesion (Art. 3.2) as well as public health (Art. 3.3) (**GR**)
 - **Scope of application of Union's objectives (Art. 3)**: include a sentence "in accordance with this Constitutional Treaty" or a similar one to avoid misunderstandings relating to its scope of application (Art. 3.2) (**PT**)
5. **Primacy of EU law**: Doubts over formulation (**UK**)
6. **Accession to the ECHR** (Art. 7.2): include a firmer intention of accession (**CZ**)
7. **Union's exclusive competencies** (Art. 12):
 - **Conclusion of international agreements**: need to examine it in depth in light of existing case law (Art. 12) (**IRL, FIN, SW, UK**)
 - Since competition policy is an exclusive competence, a provision should be included to put an obligation on the Commission to take into account the geographical dimension for certain island nations with small populations, which does not allow them to take full advantage of the internal market possibilities and to compete on an equal footing with other MS (Art. 12.1) (**CY**)

8. **Competencies: tourism**
 - include as an area of shared competencies (Art. 13) (GR)
 - include as an area of supporting, co-ordinating or complementary actions and establish relevant legal basis (Art. 16 and related) (ESP, F, LV, MT, PL, PT, LT, CY, SK)
9. **Include a new principle common to Union's legal acts** (Art. 37.2): principle that the laws should be written in a manner that makes it possible for ordinary citizens to understand them (SW)
10. **Introduction of equality between MS as another principle of democratic equality** (Art. 44) (PT, SL)
11. **Need precision on the definition of "significant number of MS" as regards "civic initiative"** (Art. 46) (SK)
12. **European Ombudsman** (Art. 48 and related):
 - **Election** (instead of appointment) of the European Ombudsman (Art. 48) (GR)
 - Foresee a provision allowing the cooperation of the European Ombudsman with ombudsmen and similar bodies in the MS (Art. III-237) (GR)
13. **Charter of Fundamental Rights (Part II): stronger and clearer reference or a more secure legal status of the Explanations and publication thereof** (NL, UK)
14. **Non-discrimination (Art. II-21)**: needs clarification (UK)
15. **Insert a horizontal clause** ensuring that social objectives are taken into account in all Union policies (create a new Article) (B)
16. **Services of general economic interest** (Art. III-6):
 - revert to existing terminology (ESP)
 - deletion of the full sentence in art III- 6 mentioning a European law (NL, ESP, FIN)
 - include a reference to the central role of local and regional authorities in providing these services (AUT)
 - a reference should be made to economic cohesion alongside social and territorial cohesion (PT)
 - as long as the concept is not defined, there should not be a legal basis (SW)

17. **Transparency:** extension of the general rules to all institutions including the ECB and ECJ (Art. III-305) (SW)
18. **Data protection:** the scope of Union rules should not extend to JHA and CFSP matters (UK)

The Union's finances/budget

19. **Own resources** (Art. 53):
- request for a real system of own resources (B)
 - request unanimity for adoption of modalities (in particular CZ, SK, UK, PT)
 - delete paragraph 1 concerning necessary means (UK)
20. **Budgetary and financial principles** (Art. 52):
- Change the instrument from the European law into the European law of the Council of Ministers as regards conditions of authorisation of expenditures shown in the budget for the annual budgetary period (Art. 52.3) and as regards the act in accordance with which a binding legal act for Union action and for the implementation of expenditure must be adopted (Art. 52.4). Amend Article III-318 accordingly. *
 - Include a reference to expenditure ceiling (alongside own resources) of the multiannual financial framework [as the limit within which the Union may adopt an act having implications for the budget] * (Art. 52.5)
21. **Budgetary procedure:**
- Change the procedure – where the Conciliation Committee does not approve a joint text or if the Council of Ministers rejects the joint text, a budget providing, in the case of each budget item which is subject to disagreement, for the lowest amount proposed either by the Council or the Parliament or, where it is higher, the figure in the budget law for the previous year shall be adopted. * (Art. III-310.8) (NL, CZ, LV, ESP, F, UK, IRL, PT, SW, DK)
 - Add a 7 days deadline for the EP or the Council for the adoption of the common project (F)
22. **Multiannual financial framework** (Art. 54 and related):
- oppose to QMV together with the consent of the EP as regards the adoption of the multiannual financial framework. Propose unanimity after consultation of the EP * (NL, CZ, SK, LV)

- include a provision specifying that the last Financial Perspective before entry into force of the Constitution shall be treated as the multiannual financial framework which has been adopted in accordance with Article I-54. * (Art. III-308) (SW)
 - include in the financial perspective general orientations for the use of credits within categories of expenses (Art. III-308) (ESP)
23. **Economic, social and territorial cohesion** (Art. III-119): amend in order to ensure coherence with provision on financial perspective i.e. Option 1: the Council acts unanimously until 1 January 2007 in case the multiannual framework 2007-2013 is adopted. If not the Council acts unanimously until the date of its adoption. Option 2: use the same formulation as in the case of the provisions on financial perspective i.e.: the Council acts unanimously when adopting laws relating to first funds following the entry into force of the Constitution (Art. III-119) (ESP)

Economic and financial policy

General Issues

24. **Union's objectives** (Art. 3) *:
- **Include new objective (further specify the objective of economic growth):** add to the objective of balanced economic growth, that it should be non-inflationary (Art. 3.3) (PT)
25. **Bolster the position of the Commission with regard to Broad Economic Policy Guidelines and to the Stability and Growth Pact** (NL)
26. **Economic governance:**
- reinforcement of all instruments which will allow high growth and an enhanced social cohesion (this includes better coordination of economic and social policies, extension of the scope of QMV in the field of taxation and social policy as well as the institutionalisation of the Tripartite Social Summit) (F)
 - delete Union's competence for promoting and co-ordination of economic and employment policies of the MS and replace it with a stipulation that MS shall coordinate their economic policies within the Union (Art. 11) (UK)
 - redraft Article in the sense that Member States shall conduct their economic policies, regarding them as a matter of common concern, with a view to contributing to the achievement of the objectives of the Union, and co-ordinate them within the Union, in the context of the broad economic policy guidelines and the surveillance of their implementation.(Art. 14) (UK)

27. **Economic policy** (Art. 71 and Art. 76):
- "direct" warning": delete non-consistency with the broad economic policy guidelines from the scope of Commission's warning and revert into a recommendation of the Commission to the Council of Ministers *(Art. 71.4) (**IRL, CZ, ESP, UK**)
 - Broad economic policy guidelines (Art. III-71 (2) and (4)): adoption of broad guidelines on a proposal from the Commission and after EP consultation (Art. III-71(2)); adoption Council recommendations to the Member State concerned in the multilateral surveillance process on a proposal from the Commission, instead of a recommendation (Art. III-71.4) (**CION**)
 - Multilateral surveillance:
 - Change wording of paragraph 3 alinéa 2: talk about "measures" taken by MS rather than "steps" * (Art. 71.3)
 - Replace the legislative procedure by consultation procedure as regards the establishment of detailed rules for the multilateral surveillance procedure * (Art. 71.6) (**NL, CZ, ESP, FIN**)
 - Change the procedure as regards excessive deficit: the Commission should address its opinion not to the MS concerned but to the Council of Ministers * (Art. III-76.5) (**CZ, ESP, PT, DK**)
 - Change the procedure as regards recommendation addressed by the Council of Ministers to a MS after existence of excessive deficit has been decided: replace a proposal from the Commission by a recommendation from the Commission * (Art. III-76.6) (**CZ, ESP, UK, PT, DK**)
 - Change wording of paragraph 6: talk about "measures" taken by MS rather than "steps" for deficit reduction * (Art. 76.9)
28. **Re-establish the reference to the European Monetary System** * (Art. III-92.1(c))
29. **Establish a reference to the Exchange Rate Mechanism II** (**PL**) (Art. III-92(d))

Institutional issues

30. **The European Central Bank** (Art. 29):
- Include a specific reference to the Eurosystem [wherever the Convention wording refers to European Central Bank together with the national central banks of the MS, which have adopted the euro and alongside the European System of Central Banks as regards the way of its governing and its objective] * (Art. 29.1, Art. 29.2) (**CION**)

- Include a specific reference to the independence of national central banks and use a more precise wording concerning issue of banknotes and coins denominated in euro * (Art. 29.3) (**CIION**)
 - possibility for the European Council on a proposal from the Commission or a recommendation of the ECB to revise composition, decision-making rules and tasks of the Governing Council and Executive Board (enabling clause for revision of Art. III-84 and Art. 10-12 and 43 of the Statute of the ESCB and the ECB) (**CIION**)
31. **Specific tasks of the ECB** * (Art. III-77.6): change the procedure from legislative procedure with consultation of the ECB into the current procedure (unanimity, consultation of the ECB and consent of the EP) (**IRL, PL, ESP, UK, FIN – consultation of the EP**)
 32. **Decision-making in the Governing Council of the ECB** (III-79.3): decisions shall be adopted by QMV according to the system of weighting of votes same as in the European Council and the Council of Ministers (**PL**)
 33. **Statute of the ECB and ESCB**: Change voting rules: reduce the number of "voting" governors to nine. The governors shall select the nine "voting" among themselves for a term of 2 years by secret ballot (**FIN**)
 34. **Appointment of members of the ECB** (Art. III-84.2): replace common accord by the European Council acting by qualified majority * (**CIION**) or by majority of its members (and change statute accordingly) (**FIN**) (**PT opposed**)
 35. **Re-establish the Economic Policy Committee** * (create a new Art. III-86a)
 36. **Enabling clause to change the statute of the EIB** * (Art. III-299): delete (**ESP, CIION**)

External issues

37. **Urgent financial aid for non-developing countries** * (Art. III-222):
 - Include a European law of the Council of Ministers setting a framework for urgent financial aid
 - Include a declaration stipulating that for the purposes of applying balance of payments aid to third countries, the Council shall act in the composition of Economic and Finance Ministers
38. **International agreements (foreign exchange regime matters)** * (Art. III-228.3): revert to current wording (agreements concerning monetary or foreign exchange regime matters)

Eurozone issues

39. **External representation of the eurozone** (Art. III-90):
- redraft Article to bring it more closely in line with the current text * (**ESP**)
 - prefers to talk about representation of common positions (**IRL**)
40. **Decision-making process for the eurozone** (eurozone ministers) (Art. III-91):
- Enlarge the scope of provisions which shall not apply to MS with a derogation to: decisions establishing common positions as regards issues of particular relevance to economic and monetary union within the competent financial institutions and conferences (Article III-90(1)); measures to ensure unified representation within the international financial institutions and conferences * (Art. III-90(2)) (Art. III-91.2) (**in particular ESP, B**) (**UK opposed**)
 - Enlarge the scope of measures adopted by the representatives of the MS without derogation to: surveillance recommendations relating to Member States participating in the euro area – including on stability programs and early warnings, measures on excessive deficits relating to Member States participating in the euro area (Art. III-76(6)-(8) and (11)), and the lifting of a country's derogation * (Art. III-92(2)).(Art. III-91.4) (**AUT, ESP, F, B**) (**UK, PL, HU opposed**)
 - Reorganisation of certain Articles concerning economic governance of the euro zone, in particular Section 3bis (Art. III-88): (**CION**)
 - Ecofin Council, in the composition of ministers of MS whose currency is the euro, to adopt provisions which do not apply to MS with a derogation (Art. III-90) (**CION**)
 - Ecofin Council, in the composition of ministers of MS whose currency is the euro, to adopt BEPG which concern the euro area generally, to adopt surveillance recommendations addressed to a MS whose currency is the euro (including opinions on stability programmes and early warnings), to adopt decisions, recommendations and other measures related to the excessive deficit procedure and addressed to a MS whose currency is the euro; and to adopt decisions to abrogate derogation for MS meeting the necessary conditions for adopting the euro (Art. III-91) (**CION**)

41. **Eurogroup protocol** (Art. 1):

- Include participation of the Commission in the meetings and in its preparation * (Art. 1) (**ESP, PT, CION, B, GR**)
- Delete special arrangements for the Presidency of the eurogroup (FIN, IRL) and delete the specification of the "informal" character of eurogroup ministers meetings (FIN)
- mirror term of office of Eurogroup President on term of office Council presidencies (Protocol on Eurogroup, Art. 2) (**CION**)

Other issues

42. **Delegated regulations** * (Art. 35): **allow the MS to impose certain requirements as regards the** exercise of delegated powers [by including a provision stipulating that laws and framework laws shall lay down in advance rules and general principles for the mechanisms for assistance by the MS with delegated regulations of the Union] (application of the Lamfalussy process for harmonising financial services legislation) (**IRL, ESP, FIN**)
43. **Staff regulation** *: Change the instrument from a European law into the European law of the Council of Ministers (Art. III-333)

JAI

p. m.: proposals relating to the scope of QMV are contained in a separate document

44. **General provisions:**

Article III 158

- needs clarification (**B**)

Article III 161

- delete reference to special evaluation (**CZ**)

Article III 162

- clarify position and competences of standing committee (**PL**)

45. **Asylum and immigration**

Article III 167

- mention high ambitions of Union; MS must be allowed to retain national legislation providing greater protection (**SW**)
- should refer to minimum standards for common asylum system (**LV**)
- need to clarify scope of Article in relation to existing asylum systems (**NL**)

Article III 168

- clarify EU's competences for concluding readmission agreements (**CZ**)

46. **Judicial Cooperation in civil matters**

Article III 170

- list of objectives for laws and framework laws should be as exhaustive as in current TEC 65 (**PL**)
- difficulties over scope, and possible cost implications, of these provisions (**UK**)
- harmonisation should only be possible where necessary for functioning of internal market (**SK**)
- need to review drafting (**IRL**)

47. **Judicial Cooperation in criminal matters**

Article III 171

- difficulties over scope (**UK**)
- require further detail on how to settle conflicts of jurisdiction/doubts over the need for framework rules establishing minimum rules on rights of individuals in criminal procedure (**PL**)
- need to review drafting (**IRL, B, SK**)

Article III 172

- propose deleting paragraph on minimum rules (**PL, FIN**)
- need to review drafting (**IRL, SK, [EE], LT**)
- want clarification on scope, timing (**DK**)
- supplement the list of areas of crimes and specify that the Council of Ministers may only adopt a European decision identifying other areas of crime on the basis of developments in serious cross-border crime (**FIN**)

Article III 174

- opposed to prosecutions being initiated by Eurojust at European level in national courts (**UK, AUT**)
- redraft paragraph 3 to clarify that Eurojust does not carry out formal acts of judicial procedure (**PL**)
- need to review drafting (**IRL**)

Article III 175

- opposed to public prosecutor (**UK, IRL, SK, FIN**)
- concerns over public prosecutor as drafted – need to limit tasks (**AUT, CZ, LV**)
- would like to see role further developed (**NL**)

48. **Police Cooperation**

Article III 176

- need to review drafting (**IRL**)

Article III 177

- need to review drafting (**IRL**)

49. **Scope of ECJ jurisdiction (Article III-283)**

- delete reference to "where such action is a matter of national law" (**PT**)
- concerned by scope of ECJ's jurisdiction over judicial cooperation in criminal matters and police cooperation (**UK**)

50. **External Relations (JHA)**: need to stipulate clearly the possibility of Member States to maintain and conclude bilateral agreements in this area (**NL**)

External

p. m.: proposals related to the scope of QMV are contained in a separate document

51. **External action; principles and objectives**: add a reference to the Helsinki Final Act and objectives of the Paris Charter including those of external borders (Art. III-193) (**GR**)

52. **Common commercial policy**:

- the reference to foreign direct investments should be deleted; in fact, such reference would be better placed on the chapter on movement of capitals and payments (Art. III-216) (**PT**); **IRL** wants clarification of concept of foreign direct investment
- reference to the possibility of Member States concluding bilateral agreements with third parties should be inserted (**PT, EE**);
- Role of the EP: revert to the current treaty (no legislative procedure for implementation) (Art. III-217.2) (**SW**)
- Need to review drafting (**FIN**)

53. **International agreements**: exclude trade agreements from the scope of the EP consent. The Council should act after consultation of the EP (Art. III-227§7, p.(e)) (**ESP**)

Other policies

54. **Solidarity clause**: request for clarification (Art. 42) (IRL)
55. **Social security for employed and self-employed migrant workers** (Art. III-21):
 - does not sufficiently take into account specificities of national situations (LUX)
 - include possibility of extending the scope of laws or framework laws to application of measures to other European citizens or their family members (CION)
56. **Health services**: include a new paragraph stipulating that provisions of this subsection (i.e. freedom to provide services) shall not encroach upon MS' responsibilities for the organisation and delivery of health services (FIN)
57. **Include a new Article (III-35bis) on sympathetic action**: a right for the trade unions to take sympathetic action across national borders within the Union. The right should however only be applicable if the primary conflict is allowable in the Member State where it is taken. (SW)
58. **Capital and payments: freezing of assets: need for precision in Art. III-49**:
 - Delete Article (SW)
 - Precise that European law "defines" and not "may define" (ES)
 - Specify that measures aimed at in this Article are administrative measures(ES)
 - Foresee that regulations or decisions include lists of natural or legal persons, groupings or non-state entities aimed at by these measures(ES)
59. **State aids: the scope of Articles III-56.2 (c) on and Article III-141 should be extended to all the areas affected by the division of Europe after the Second World War** (PL)
60. **State aids in culture**: modify provisions that ensure compatibility of state aids in the field of culture – moving this provision from paragraph 3 to paragraph 2 (Art. III-56) (B)
61. **Administrative cooperation and combating tax fraud**:
 - need for clarification (Art. III-63) (LUX)
 - favour deletion of both Arts III-62 and III-63 (EE)
62. **Intellectual property: include a new specific legal base – legislative procedure** (Art. III-68) (SW)

63. **Economic, social and territorial cohesion**
- islands: considers clarification and enhancing the content of these provisions with respect to islands (**GR**); asks for recognition of specific difficulties of less favoured islands presenting a permanent handicap and demographic disparities in order to implement specific measures (**F**); include a new legal basis for cross-border cooperation with third countries (Art. III-116) (**FIN, LT**)
 - delete the reference to territorial cohesion in Art. III-116 and introduce this notion elsewhere in the treaty (**NL**)
 - ERDF should promote cooperation between the regions of the Union and neighbouring countries (Art. III-118) (**FIN, LT**)
64. **Structural funds (Art. III-119):**
- amend in order to ensure coherence with the decision-making provisions on financial perspective (**ESP, PT**)
65. **Agriculture:**
- redraft Art. III-123 to take account of CAP reform (**SW, CION**)
 - change the instrument from European laws and framework laws into European laws and framework laws of the Council of Ministers which should cover the establishment of the common organisation of the market as well as the establishment of their horizontal rules and the rules on rural development financed by the EAGGF and FIFG (Art. III-127§2) (**FIN**)
 - include a consultation of the EP relating to regulations and decisions on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities (Art. III-127§3) (**CION**)
 - remove fixing prices, levies, aid and quantitative limitations from the scope of European regulations or decision and add the utilising of fishing opportunities, including control and enforcement (Art. III-127§3) (**FIN**)
 - include a provision allowing the Commission to adopt implementing acts relating to laws, framework laws, regulations and decisions foreseen in § 2 and § 3 (Art. III-127) (**CION**)
 - opposed to proposal to extend co–decision to agriculture (Art. III-127) (**UK**)
66. **Fisheries:** request for explicit recognition of FIFG (**LV, FIN**)

67. **Environment:**
- add biodiversity as one of the central goals of the Union's environmental policy (III-129) (NL)
 - introduction of the principle of "substitution" and of the "precautionary principle" (SW)
68. **Consumer policy:** need for clarification if the Treaty provides a sufficient legal basis to implement the Consumer Policy Strategy. Delete paragraph 5 (Art. III-132) (SW)
69. **Transport** (Art. III-134): restore provisions of Art. 71.2 TEC (derogation clause) (GR, PT)
70. **Energy:** stipulate more clearly national sovereignty over energy resources (NL)
71. **Research and technological development, and space**
- include a reference to the preservation of the acquis of the European Space Agency (Art. III-146a) (PT)
 - concrete proposal aiming at reflecting the shared nature of competencies (Art. III-146 and Art. III-149) (CION)
72. **Internal market:**
- Characteristics of alcohol and tobacco must be taken into account when shaping policies on free movement of goods(SW)
73. **Public health:**
- **Enlarge the scope of Union action in the field of public health to the following measures promoting:** surveillance, alert and combating serious accidental or intentional threats on health when they can have a European dimension, development and cooperation of MS aiming at improving complementarity of their provision of health care and structures, in particular in bordering regions and allow patients from one MS to take advantage of quality care delivered in another MS, in respect of the rules of organisation and management of each national health system (Art. III-179§1) (F)
 - **Enlarge the scope of measures supporting objectives in the field of public health (adopted by QMV) to:**
 - measures to fight against major health scourges affecting more than one Member State, including communicable diseases and the release of biological or chemical agents with intent to cause harm; preventative measures against serious causes of danger to human health or of human disease or illness, when there is a significant impact at European level. (Art. III-179§4) (CION)
 - measures establishing high norms of quality and security for blood products and medical use provisions and measures relating to products with harmful effect, serious and recognised on health, with direct aim of the protection of public health (Art. III-179§4) (F)

- Include a reference to Article 16, point a) (Art. III-179§5) (CION) [DONE]
- Include reference to the organisation and delivery of pharmaceutical care and to competence concerning narcotic and psychotropic substances (LV)

74. **Culture:**

- include a reference to the pluralism of media (Art. III-181) (PL)
- establish and include definition of the sustainable development into the elements of cultural heritage and cultural activity (Art. III-181) (PL)
- supplement the objectives of environment protection by preserving cultural landscape (PL)

Enhanced cooperation

75. **Enhanced cooperation** (Art. 43 and related):

- increase the threshold of MS needed for the authorisation of an enhanced cooperation from one third to half of MS (Art. 43) (HU, CZ, SL)
- delete the "passerelle" (Art. III-328) (ESP, PL); UK also has doubts,
- need to keep the "emergency break" in CFSP as in the current Treaty (IRL)
- insist on the obligation for the CION and MS participating in enhanced cooperation to promote further participation in it of other MS (Art. III-324§1, all. 2) (HU)

Revision of Treaties

76. **Revision procedure (Art. IV-7):**

- Lighter procedure of revision of part III (not modifying distribution of competencies) (GR, CION)
- Convention method: remove need for consent of the EP for not convening a Convention and replace with information of the EP by the European Council (Art. IV-7§2) (ESP)
- equality of MS must be reflected in modalities for possible future revision (LUX)
- in favour of full revision procedure for all possible changes from unanimity to QMV (ie not just for general passerelle clause) (EE)

77. **Passerelle** (Art. I-24 (4)): reservations, in particular because of the limited role of National Parliaments (several delegations, see note on QMV)

78. **Status of overseas territories**

- lighter procedure requested for possible change in status of Netherlands Antilles and Aruba, presently in annex II, to that of outermost regions, without having to amend the Constitution (Arts. III-186 and III-330) (NL)

Miscellaneous

79. **Court of Justice (scope)**

- Role of ECJ in a new constitutional setting needs to be examined (SW)
- European decisions by the European Council should be subject to review by the ECJ (Art. III-270) (AUT, SL)
- Strengthen the position of the Commission with regard to infraction procedures. Need for further clarification of art III-274 to ensure that prejudicial procedures in all cases of persons in detention will be handled within specified time limits. (NL)
- Opposition over jurisdiction of the ECJ in CFSP (SK)
- exclude the solidarity clause from ECJ's jurisdiction (Art. III-282) (SW)
- ensure ECJ can safeguard rights of individuals when reviewing restrictive measures (SW)
- problem with loss of discretion over which courts can refer questions to the ECJ (UK)

80. **Court of Justice (access)**

- Ensure direct access of regions with legislative powers to the ECJ (B)

81. **Non Judicial Remedies**: include provision for its development (GR)

82. **European Parliament**: problem with reduction of right to vote in EP elections to EU citizens only (UK)

83. **Voluntary withdrawal**: delete provisions (Art. 59) (GR)
84. **Outermost regions**: Enumeration of French overseas departments including Mayotte (Art. III-330) (F)
85. **Include a provision setting out the specific application of certain policies to the EU's northernmost areas** of extremely low population, aggravated by their distant location, long distances to markets and cold climate (new Art. III-330bis) (FIN)
86. **Scope of the Treaty (IV-4)**: The Treaty shall not apply to the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus except to the extent necessary to ensure the implementation of the arrangements set out in the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus annexed to the Accession Treaty (CY)
87. **Euratom protocol**:
- replace "Community" by "Union" and redraft Article IV-3§1 to its original wording (ESP)
 - adoption of a declaration foreseeing convening of a new "review conference" on the Euratom Treaty (AUT)
88. **Sustainable development**: request for inclusion of protocol on the implementation (CION)
89. **Role of national parliaments in protocols on national parliaments and subsidiarity** (B)
90. **Legal status of the declaration on the representation of citizens in the EP and weighting of votes in the Council of Ministers**: changing the status of the declaration into a legally binding document (BG, RO)
91. **Signature of the Constitutional Treaty**: request to associate the observers to the signature of the Treaty (BG, T)
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