

AMENDMENT FORM

Title V: Exercise of Union Competence

Suggestion for amendment of Article : Article I-36: Implementing acts

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Rein Lang, Lord Maclellann

Article I-36: Implementing acts

1. Member States shall adopt all measures of national law necessary to implement legally binding Union acts.
 2. Where uniform conditions for implementing binding Union acts are needed, those acts may confer implementing powers on the Commission, or, in specific cases, and in the cases provided for in Article I-39, on the Council.
 3. The law shall lay down in advance rules and general principles for the mechanisms for *control over* implementing acts of the Union.
 4. Implementing acts of the Union shall take the form of European implementing regulations or European implementing decisions.
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Explanation:

It is the Commission and not the Council that has executive power to implement acts at the Union level. The extension of codecision to all law-making renders null and void the (even today) exceptional power of the Council to grant itself implementing powers.

It is up to the legislative procedure to determine what, if any, control mechanisms are required.

If the Convention were to fail to reform the comitology procedures it will have failed comprehensively.

