

AMENDMENT FORM

Suggestion for amendment of Article 28 :

By Mr FARNLEITNER :

Status : - Member

Article 28: Implementing acts

1. ~~Member States shall adopt all measures of national law necessary to implement the Union's legally binding acts.~~ **The legally-binding acts of the Union shall, as a rule, be implemented by the Member States.**
 2. Where uniform conditions for the implementation of the Union's binding acts are needed, those acts may confer implementing powers on the Commission or in specific cases and in the cases provided for in Article [CFSP], on the Council.
 3. ~~Implementing acts of the Union~~ **The exercise by the Commission of the powers for the implementation of rules which the Council lays down alone or jointly with the European Parliament** may be subject to control mechanisms **of the Member States.** ~~which~~ **The procedures referred to above** shall be consonant with principles and rules **to be** laid down in advance by the European Parliament and the Council in accordance with the legislative procedure.
 4. ~~Implementing acts of the Union shall take the form of European implementing regulations or European implementing decisions.~~
-

Explanation :

In order to avoid repetition with other clauses of the Constitution where the current content of Art. 10 ECT is reproduced, I propose to approach para. 1 from a slightly different angle and to enshrine therein the principle that the Member States and their institutions are primarily competent for the implementation of legally-binding acts of the European Union.

Adjustment of the wording in para. 3 as much as feasible to the current language in Art. 202 ECT with slight adaptations.

Para. 4 can be deleted since the different forms that the implementing acts of the Union can take are already laid down in Articles 24 and 26 as proposed by myself to be amended.