

AMENDMENT FORM

Suggestion for amendment of Article : 28

By Mr Hain

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.
 2. ~~Where uniform conditions for the implementation of the Union's binding acts are needed, those~~ These legally binding acts may confer implementing powers on the Commission or, ~~as appropriate and in the cases provided for in Article [CFSP],~~ on the Council.
 3. ~~Implementing acts of the Union may be subject to control mechanisms which shall be consonant with principles and rules laid down in advance by the European Parliament and the Council in accordance with the legislative procedure.~~
 3. ~~—~~ The conditions of application to which the implementation is subject shall be expressly determined in the law or framework law, in accordance with the provisions referred to in Part Two.
 4. Implementing acts of the Union shall take the form of European implementing regulations or European implementing decisions.
 - 4 bis Specific provisions shall apply in the cases referred to in Article Y (CFSP) and Article Z (ex-third pillar).
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Explanation (if any) :

Article 28 (2) :

There is no need to specify in horizontal terms where the legislator may confer implementing powers. This reduces flexibility. CFSP is dealt with in paragraph 4 bis below.

Article 28 (3) :

Part Two should set out in more detail the conditions of application to complement the parallel

provision in Article 27. This would include the existing procedure, whereby Council Decisions lay down the procedures by unanimity.

Article 28 (4 bis) :

This provision has been inserted in paragraph 4 bis because CFSP has its own procedures for adopting its own distinctive instruments. And different legislative procedures will be required for ex-third pillar.