

## AMENDMENT FORM

### Suggestion for amendment of Article: 28

By :

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#### **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 acts may confer implementing powers on the Commission or in specific cases and in the cases provided for in Article [CFSP], on the Council.~~
- 1. Union regulations and decisions shall be adopted by the Commission and in the specific cases provided for in the Constitution by the Council and the European Central Bank.**
- ~~2.3.~~ **Implementing acts adopted by the Commission** 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 **a Union law** accordance with the legislative procedure.

**This law shall also define the cases in which an implementing act may enter into force only if the European Parliament or the Council has expressed no objection within a period set by the legislative act.**

- ~~4. Implementing acts of the Union shall take the form of European implementing regulations or European implementing decisions.~~

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#### **Explanation:**

##### **1. Deletion of paragraphs 1-2 (the principle of national implementation).**

We support the approach whereby the principle of national implementation (executive federalism), which concerns the division of competencies in the EU, would be regulated in Article 8 of the Constitution, and Articles 24-33 would only deal with the nature of EU legal acts and the relations between them (taking the necessity of EU intervention as given). This approach would allow for a more logical structuring of Articles 25-28 and be in conformity with the proposals of the Working group on complementary competencies (p. 13-14 of the final report).

## **2. New paragraph 2 (control and advisory mechanisms).**

In our amendment to Article 24, we proposed that the EU should retain a simple system of legal acts, with a distinction between Union legislative and implementing acts only. In accordance with this proposal, we consider that Article 27 should be deleted and the proposed call back mechanism regulated in Article 28, together with the other control and advisory mechanisms applying in case of implementing acts.

Concerning the concrete provisions, we would prefer regulating most details in a special Union law, keeping the provisions in part 1 of the Constitution as short as possible. However, we are ready to consider different proposals on what details should be included in Article 28 paragraph 2.