

AMENDMENT FORM

Suggestion for amendment of Article 28:

By BROK; ALMEIDA GARRETT; ALONSO; ALTMAIER; AZEVEDO; BASILE; BREJC; CISNEROS; CUSHNAHAN; DOLORES; FOGLER; FRENDO; GIANNAKOU; KAUPPI; KELAM; KELEMEN; KORHONEN; KRASTS; KROUPA; KUTZKOVA; LA-MASSOURE; LENNMARKER; LEQUILLER; MAIJ-WEGGEN; MLADENOV; NAZARE-PEREIRA; PIKS; RACK; SANTER; STYLIANIDIS; SZAJER; TAJANI; TEUFEL; VAN DER LINDEN; VAN DIJK; WITTBRODT; ZILE

on behalf of the EPP Convention Group

Status: Members and Alternates

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<u>Article 28: Implementing acts</u>	<u>Article 28: Implementing acts</u>
1. Member States shall adopt all measures of national law necessary to implement the Union's legally binding 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.	<i>The administrative implementation of Union law shall in principle be the responsibility of the Member States in accordance with their constitutional arrangements and without prejudice to the supervisory, monitoring and implementing powers of the Union institutions.</i>
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.	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.
4. Implementing acts of the Union shall take the form of European implementing regulations or European implementing decisions.	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.
	4.3 Implementing acts of the Union shall take the form of European implementing regulations or European implementing decisions.

Explanation:**Para 1 :**

- *Implementation of Union acts is not only a duty of the Member States (see today Article 10 EC), but also, as a general rule, a competence of the Member States. This is today already stated in Declaration No 43 annexed to the Final Act of the Treaty of Amsterdam. In view of the importance of this principle – which allows for a truly decentralised Union –, the EPP suggests to take over the essence of the wording of this Declaration into the Constitutional Text itself.*

Para 3:

- *Article 28 para 3 should be deleted in order to replace “Comitology” by democratic and transparent procedures of delegated legislation. In the context of these procedures, consultation of national authorities must of course remain possible – see our amendment on Article 27.*