

AMENDMENT FORM

Suggestion for amendment of Article 32

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><u>Article 32: Principles common to acts of the Union</u></p> <p>1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article 8.</p> <p>2. European laws, European framework laws, European regulations and European decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution.</p>	<p><u>Article 32: Principles for European Community laws and opinions</u></p> <p>1. Unless the <i>simplifying Treaty</i> contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, <i>on whether a European Community law or a European Community opinion is more appropriate</i>, in accordance with the principle of proportionality set out in Article 8.</p> <p>2. European <i>Community</i> laws and <i>European Community opinions</i> shall state the reasons on which they are based and shall refer to any proposals or opinions required by this <i>simplifying Treaty</i>.</p>

AMENDMENT FORM

Suggestion for amendment of Article I-37

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, national parliament representative.

Status : - **Members: Hjelm-Wallén and Lekberg**
 - **Alternates: Petersson**

Article I:37: Principles common to the Union's legal acts

2. European laws, European framework laws, European regulations and European decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution. Such legal acts should be drafted clearly, simply and precisely with the aim of making them easy to understand for the citizens.¹

¹ Recent research studies confirm that Community legislation is still drafted in a style that makes it unnecessary difficult to read and understand. Vague wording, archaic words, long sentences and complex sentence structure are some of the problems. The question of clear legal acts has ultimately great impact on the democratic legitimacy of the Union.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 32

Déposée par: M. Louis **Michel**, M. Karel **de Gucht**, M. Elio **di Rupo**, Mme Anne **Van Lancker**, membres de la Convention et M. Pierre **Chevalier** et Mme Marie **Nagy**, membres suppléants de la Convention

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1. Pas d'amendement
 2. **Les lois organiques européennes**, les lois européennes, les lois-cadres européennes, les règlements **délégués** européens et les décisions européennes sont motivés et visent les propositions ou avis prévus par la présente Constitution.
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Explication éventuelle :

La terminologie (lois organiques, règlements européens délégués) est mise en conformité avec la simplification de la typologie proposée à l'article 24.

AMENDMENT FORM

Suggestion for amendment of Article : 32

By Ms / Mr : J. Kohout

Status : ☒ - Member - Alternate

Art. 32.2 A reference to the Protocol on the application of the principles of subsidiarity and proportionality could be added here.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 32

Déposée par M. Pierre LEQUILLER, Membre

PROJET DU PRAESIDIUM	AMENDEMENTS DE M. PIERRE LEQUILLER
Article 32 : Principes communs aux actes de l'Union 1. Lorsque la Constitution ne le stipule pas spécifiquement, les institutions décident, dans le respect des procédures applicables, du type d'acte à adopter dans chaque cas, selon le principe de proportionnalité visé à l'article 8. 2. Les lois européennes, les lois-cadres européennes, les règlements européens et les décisions européennes sont motivés et visent les propositions ou avis prévus par la présente Constitution. .	Article 32 : Principes communs aux actes de l'Union 1. Lorsque la Constitution ne le stipule pas spécifiquement, les institutions décident, dans le respect des procédures applicables, du type d'acte à adopter dans chaque cas, selon le principe de proportionnalité visé à l'article 8. 2. <u>Les lois organiques européennes, les lois-cadres européennes, les lois européennes, les règlements européens et les décisions européennes</u> sont motivés et visent les propositions ou avis prévus par la présente Constitution. <i>Justification :</i> <i>Amendement de coordination</i>

AMENDMENT FORM

Suggestion for amendment of Article : 32

By Mr : Fischer

Status : - Member

Artikel 32: Gemeinsame Grundsätze für die Rechtsakte der Union

(1) Wird die Art des Rechtsakts von der Verfassung nicht ausdrücklich vorgegeben, so beschließen die Organe unter Einhaltung der geltenden Verfahren von Fall zu Fall nach dem in Artikel 8 genannten ~~Verhältnismäßigkeitsgrundsatz~~ Grundsätzen der Subsidiarität und Verhältnismäßigkeit, welche Art von Rechtsakt anzunehmen ist.

(2) Europäische Gesetze, europäische Rahmengesetze, europäische Verordnungen und europäische Entscheidungen sind zu begründen und nehmen auf die Rechtsgrundlage sowie die in dieser Verfassung vorgesehenen Vorschläge oder Stellungnahmen Bezug.

Explanation:

Absatz 1: Neben dem Grundsatz der Verhältnismäßigkeit muss auch der Grundsatz der Subsidiarität als wesentliches Prinzip der Kompetenzausübung genannt werden.

Absatz 2: Zitiergebot dient der Rechtsklarheit und der Transparenz.

FICHE AMENDEMENT

Proposition d'amendement à l'Article :32

Proposition d'amendement au protocole:

Déposée par Messieurs Ernâni Lopes et Manuel Lobo Antunes

Qualité : - Membre et suppléant

1. suppression

Explication : quant au premier paragraphe, il apparaît comme redondant para rapport à la formulation du principe de la proportionnalité constante des principes généraux relatifs aux compétences.

AMENDMENT FORM

Suggestion for amendment of Article : 32

~~Suggestion for protocol :~~

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member ~~Alternate~~

Artikel 32: Gemeinsame Grundsätze für die Rechtsakte der Union

(1) Wird die Art des Rechtsakts von der Verfassung nicht ausdrücklich vorgegeben, so ~~beschließen~~
~~die Organe unter Einhaltung der geltenden Verfahren von Fall zu Fall nach dem in Artikel 8 ge-~~
~~nannten Verhältnismäßigkeitsgrundsatz, welche Art von Rechtsakt anzunehmen ist~~ *erfolgt die*
Auswahl unter Beachtung des Verhältnismäßigkeitsgrundsatzes.

Werden die Organe mit einem Vorschlag für einen Rechtsakt befasst, so nehmen sie davon Ab-
stand, Rechtsakte anzunehmen, die in der Verfassung nicht vorgesehen sind.

(2) Europäische Gesetze, europäische Rahmengesetze, europäische Verordnungen und europäische
Entscheidungen sind zu begründen und nehmen auf die in dieser Verfassung vorgesehenen Vor-
schläge ~~oder~~ *und* Stellungnahmen Bezug.

Explanation (if any) :

Absatz 1 Unterabsatz 1:

Natürlich ist die Verfassung einzuhalten ("unter Einhaltung der ... Verfahren") und natürlich nur,
soweit sie in Kraft getreten ist ("geltenden"). Das Verhältnismäßigkeitsprinzip kann gar nicht an-
ders erfüllt werden als durch eine Auswahl von Fall zu Fall. Der Wortlaut der Bestimmungen der
neuen Verfassung sollte auf unnötige Sätze und Satzteile verzichten.

Absatz 1 Unterabsatz 2:

Diese Bestimmung ist Ausdruck eines allgemeinen Grundsatzes, der für alle Rechtsakte der Union
und alle Organe gilt, und gehört dementsprechend in Art. 32 "Gemeinsame Grundsätze für die
Rechtsakte der Union".

Absatz 2:

Absatz 2 gibt im Kern den Wortlaut des derzeitigen Art. 253 EGV wieder, der allerdings m.E. bereits in seiner deutschen Fassung einen redaktionellen Fehler enthält. Dem Wortlaut nach enthält die Bestimmung eine nicht gewollte Alternativität zwischen Vorschlägen und Stellungnahmen. In der Verfassung sollte dieser Fehler vermieden werden.

AMENDMENT FORM

Suggestion for amendment of Article : 32

By Mr : Gianfranco FINI

Status : - Member

1. In assenza di disposizioni specifiche nella Costituzione, le istituzioni decidono, nel rispetto delle procedure applicabili, il tipo di atto da adottare nel singolo caso, in base al principio ~~della~~ **di** proporzionalità di cui all'articolo 8.

2. Le leggi ~~europee~~, le leggi quadro ~~europee~~, i regolamenti ~~europei~~ e le decisioni ~~europee~~ sono motivati e fanno riferimento alle proposte o ai pareri previsti dalla presente Costituzione.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article: 32 Principles common to acts of the Union

By The Earl of Stockton MEP

Status : Alternate

1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, *on whether a European law or a recommendation is necessary*, in accordance with the principle of proportionality set out in Article 8.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 32:

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker and Mr Kenneth Kvist, national parliament representatives.

**Status : - Member: Hjelm-Wallén, Lekberg and Lennmarker
- Alternate: Petersson and Kvist**

Article 32: Principles common to acts of the Union

1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principles ~~of proportionality~~¹ set out in Article 8.
2. ~~European~~ EU laws, ~~European~~ EU framework laws, ~~European~~ EU regulations and ~~European~~ EU decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution. **Such legal acts should be drafted clearly, simply and precisely with the aim of making them easy to understand for the citizens.**²
3. **The European Parliament and the Council shall meet in public. Where exceptions to this rule are deemed absolutely necessary they shall be laid down by law.**

¹ All principles in Article 8 should be respected (including the principle of subsidiarity)

² See WD 14, WG IX

AMENDMENT FORM

Suggestion for amendment of Article : 32

By Mr Hain

Status : Member

Article 32: Principles common to acts of the Union

1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article 8.
 2. European laws, European framework laws, European decisions, European delegated regulations, ~~and~~ European implementing regulations and European implementing decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution and shall list in an annex the entities which have been consulted in accordance with obligations laid down in this Constitution [on the draft laws and framework laws/ proposals for laws and framework laws].
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Explanation (if any) :

Article 32 (2) :

We add the obligation that they shall also state whom they consulted in coming to their proposal and would refer the reader to rules laid out in Part Two. This would encourage consultation, especially, for example, across the EU regions.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 32 et 33

Proposition d'amendement au protocole:

Déposée par ~~Madame ou~~ Monsieur : Dominique de VILLEPIN

Qualité : - Membre - Suppléant

Article 32 : Principes communs aux actes de l'Union

1. Lorsque la Constitution ne le stipule pas spécifiquement, les institutions décident, dans le respect des procédures applicables, du type d'acte à adopter dans chaque cas, selon le principe de proportionnalité visé à l'article 8.
2. Les lois européennes, les lois-cadres européennes, les règlements européens et les décisions européennes sont motivés et visent les propositions ou avis prévus par la présente Constitution.

Article 33 : ~~Publication et entrée en vigueur~~

- ~~13.~~ Les lois européennes et les lois-cadres européennes, adoptées conformément à la procédure législative, sont signés par le Président du Parlement européen et par le Président du Conseil. Dans les autres cas, elles sont signées par le Président du Conseil. Les lois de l'Union européenne et les lois-cadres de l'Union européenne, sont publiées au Journal Officiel de l'Union européenne et entrent en vigueur à la date qu'elles fixent ou, à défaut, le vingtième jour suivant leur publication.
 - ~~24.~~ Les règlements européens de la Commission ou du Conseil et les décisions européennes lorsqu'elles n'indiquent pas de destinataire ou lorsqu'elles sont adressées à tous les États membres, sont publiés au Journal Officiel de l'Union européenne et entrent en vigueur à la date qu'ils fixent ou, à défaut, le vingtième jour suivant leur publication.
 - ~~35.~~ Les autres décisions sont notifiées à leurs destinataires et prennent effet par cette notification
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Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 32

By Mr Andrew Duff, Paul Helminger, Peeter Kreitzberg, Algirdas Gričius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Members of the Convention

Lone Dybkjaer, Willem Van Eekelen, Lord Robert MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Peter Eckstein-Kovacs, Ibrahim Ozal, alternate Members of the Convention.

Article 32: Principles governing acts of the Union

1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article 8.
2. Laws, framework laws, regulations and decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution.
3. *Upon the adoption of a framework law in the Council, each Member State shall stipulate in an annex how they intend to transpose the legislation into national law.*

Explanation :

In the title, the use of the phrase governing is more accurate than 'common'.

This additional proposal stems from the current work of the institutions on better regulation. The obligation placed on governments to set out their intentions with respect to the transposition of EU law into their domestic jurisdiction will assist scrutiny of the measure by national parliaments and comprehension by regional and local authorities and the social partners.

It may also encourage member state governments to share best practice.

AMENDMENT FORM

Suggestion for amendment of Article 32 :

By Mr FARNLEITNER :

Status : - Member

Article 32: Principles common to acts of the Union

1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article 8.
 2. European laws, European framework laws, European regulations, **European directives**, and European decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution.
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Explanation :

In conformity with my proposal to keep the European directives (see proposed amendments to Articles 24, 26 and 27), these shall be mentioned alongside all other legally-binding acts of the Union in para. 2 .

AMENDMENT FORM

Suggestion for amendment of Article 32, paragraph 1

By Mr Ivan Korcok, Mr Jan Figel, Mr Juraj Migas

Status: Mr Ivan Korcok and Mr Jan Figel are members. Mr Juraj Migas is an alternate.

Article 32: Principles common to acts of the Union

1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principle of subsidiarity and the principle of proportionality set out in Article 8.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	32
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

- (1) Wird die Art des Rechtsakts von der Verfassung nicht ausdrücklich vorgegeben, so beschließen die Organe unter Einhaltung der geltenden Verfahren von Fall zu Fall nach dem in Artikel 8 genannten Verhältnismäßigkeitsgrundsatz, welche Art von Rechtsakt anzunehmen ist.

Amendement proposé

- (1) **In Teil II werden die Handlungsformen und Handlungsinstrumente den jeweiligen Einzelermächtigungen zugeordnet. Die Auswahl unter mehreren genannten Handlungsformen oder Handlungsinstrumenten erfolgt nach dem Verhältnismäßigkeitsgrundsatz.**

Begründung:

Die geforderte Zuordnung ist ein wichtiger Bestandteil einer klaren Kompetenzordnung.

AMENDMENT FORM

Suggestion for amendment of Article: 32

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

- (1) Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article 8.

Proposed Amendment

- (1) **In Part Two the procedures and instruments are assigned to the specific conferred power. The choice amongst several available procedures or instruments shall be made according to the principle of proportionality.**

Explanation:

The assignment demanded is an important element of a clear delineation of competences.

AMENDMENT FORM

Suggestion for amendment of Article : 32

By Mr Georges Jacobs - UNICE

Status : Observer

<i>Text of the Praesidium</i>	<i>Proposed Amendment</i>	
Article 32: Principles common to acts of the Union	Article 32: Principles common to acts of the Union	Deleted: ¶ Deleted: ¶
1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article 8.	1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article 8.	
2. European laws, European framework laws, European regulations and European decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution.	2. European laws, European framework laws, European regulations and European decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution.	Deleted: Formatted
	<u>3. The institutions shall encourage and support self-regulation and co-regulation.</u>	

Explanation (if any) :

Between the legislative and non-legislative acts stands another category that has to be given greater recognition by a revised treaty. This is the whole ambit of co-regulation and self-regulation.

The Convention, in UNICE's view, should recommend greater role for other types of instruments between representative stakeholders, on specific topics (see for instance the UNICE-BEUC agreement on trustmark schemes). In this context, self-regulation and codes of conducts should also find more recognition as possible instruments to reach EU objectives, instead of systematic

legislation. This would alleviate the legislative tasks of the EU and would democratise the rule-making exercise.'

AMENDMENT FORM

Suggestion for amendment of Article 32, Title V

By : Mr.V.P.Andriukaitis (LT Parl., Status-Member), Mr.A.Gricius (LT Parl., Status-Member), Mr. R.Martikonis (LT Gov., Status-Member), Mr. G.Šivickas (LT Parl., Status-Alternate)

Article 32.1.

Add “subsidiarity” and delete reference to Article 8:

1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principles of subsidiarity and proportionality.

Explanation (if any) :

AMENDMENT FORM

Title V: Exercise of Union Competence

Suggestion for amendment of Article : Article I-37: Principles common to the Union's legal acts

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

Article I-37: Principles common to the Union's legal acts

1. Unless the Constitution contains a specific stipulation, the Institutions shall decide, in compliance with the procedures applicable, the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article I-9.
2. European laws, European framework laws, European regulations and European decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution.
3. *Upon the adoption of a framework law in the Council, each Member State shall within sixty days inform the Commission about how they intend to transpose the legislation into national law.*

Explanation:

This additional proposal stems from the current work of the institutions on better regulation. The obligation placed on governments to set out their intentions with respect to the transposition of EU law into their domestic jurisdiction will assist scrutiny of the measure by national parliaments and comprehension by regional and local authorities and the social partners.

It may also encourage member state governments to share best practice.