

AMENDMENT FORM

Suggestion for amendment of Article 35

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><u>Article 35: The European Ombudsman</u></p> <p>An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.</p>	<p><u>Article 35: The European Ombudsman</u></p> <p>An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the <u>Community</u> institutions.</p>

FICHE AMENDEMENT

Proposta di emendamento all'articolo 35, parte I della Costituzione:

Déposée par Mme Elena PACIOTTI
Mme Anne VAN LANCKER
M. Olivier DUHAMEL
M. Caspar EINEM
M. Ben FAYOT
Mme Linda McAVAN
M. Luis MARINHO
Mme Pervenche BERÈS
Mme Maria BERGER
M. Carlos CARNERO
Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

ARTICOLO 35 – Il mediatore europeo

È nominato *dal Parlamento europeo* un mediatore abilitato a ricevere, esaminare e riferire su denunce riguardanti casi di cattiva amministrazione all'interno delle istituzioni dell'Unione. *Il Mediatore può rivolgere raccomandazioni alle istituzioni, le quali sono tenute a rispondervi.*

Explication éventuelle:

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 35

Déposée par Madame ou Monsieur : 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 ainsi que par Monsieur Patrick Dewael, observateur

Qualité : - Membre - Suppléant

- Supprimer l'article 35
-

Explication éventuelle :

Le rôle du médiateur européen est déjà prévu à l'article 43 de la Charte qui doit être intégrée dans la IIe partie de la Constitution. Le médiateur devra évidemment être aussi mentionné dans le chapitre sur les institutions de l'Union en tant qu'émanation du Parlement européen. Un article devra dans ce chapitre institutionnel développer le rôle du médiateur et donner la base juridique nécessaire à la fixation de son statut et des conditions d'exercice de sa mission comme le fait actuellement à l'article 195 TCE

FICHE AMENDEMENT

Proposta di emendamento all'articolo 35bis, parte I della Costituzione:

Déposée par Mme Anne VAN LANCKER
M. Olivier DUHAMEL
M. Caspar EINEM
M. Ben FAYOT
Mme Linda McAVAN
M. Luis MARINHO
Mme Pervenche BERÈS
Mme Maria BERGER
M. Carlos CARNERO
Mme Elena PACIOTTI
Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

ARTICOLO 35bis – Il partiti politici a livello europeo

I partiti politici a livello europeo contribuiscono a formare una coscienza europea e ad esprimere la volontà politica dei cittadini dell'Unione. ***Essi rispettano i valori dell'Unione definiti all'articolo 2.***

Explication éventuelle:

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 35bis

Déposée par Madame ou Monsieur : 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 ainsi que par Monsieur Patrick Dewael, observateur

Qualité : - Membre - Suppléant

- Supprimer l'article 35 bis
-

Explication éventuelle :

Cette disposition ne constitue qu'une paraphrase de l'article 12 § 2 de la Charte. Dès lors que la Charte doit être intégrée dans la partie II de la Constitution, cette disposition serait redondante. Il conviendra toutefois de faire référence et de donner la base juridique nécessaire à la reconnaissance des partis politiques européens dans le chapitre de la partie I de la Constitution sur les institutions comme le fait actuellement l'article 191 TCE.

AMENDMENT FORM

Suggestion for amendment of Article : 35

Suggestion for Part III

By Mr : P. Nikiforos DIAMANDOUROS

Status : - Observer

Article 35: The European Ombudsman

An Ombudsman shall be ~~appointed~~ **elected by the European Parliament** to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.

Explanation (if any) :

The fact that the European Ombudsman is elected by and reports to the European Parliament is an important constitutional guarantee of the Ombudsman's independence.

AMENDMENT FORM

Suggestion for amendment of Article: 35
By Mr: Erwin Teufel
Status: Member

Text of the Praesidium

An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.

Proposed Amendment

Remark:

It is an essential demand of the German Länder (Federal States), that the EU Charter of Fundamental Rights should be included in a central position within the Constitutional Treaty without undergoing any changes. Hence, within the Title ‘Democratic Life of the Union’ the duplication of provisions should be avoided.

This concerns:

- Article 35 Constitutional Treaty vs. Article 43 Charter of Fundamental Rights
- Article 35a Constitutional Treaty vs. Article 12 paragraph 2 Charter of Fundamental Rights
- Article 36 paragraph 3 Constitutional Treaty vs. Article 42 Charter of Fundamental Rights
- Article 36a Constitutional Treaty vs. Article 8 Charter of Fundamental Rights

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	35
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

Es wird ein Bürgerbeauftragter ernannt, der Beschwerden über Missstände in den Organen der Union entgegennimmt, untersucht und darüber Bericht erstattet.

Amendement proposé

Hinweis:

Es ist eine zentrale Forderung der deutschen Länder, dass die EU-Grundrechtecharta unverändert an prominenter Stelle in den neuen Verfassungsvertrag aufgenommen wird. Im Titel „Demokratisches Leben“ ist daher eine Doppelung der Regelungen zu vermeiden. Dies gilt für:

- Art. 35 Verfassungsvertrag – Art. 43 Grundrechtecharta
- Art. 35a Verfassungsvertrag – Art. 12 Abs. 2 Grundrechtecharta
- Art. 36 Abs. 3 Verfassungsvertrag – Art. 42 Grundrechtecharta
- Art. 36a Verfassungsvertrag – Art. 8 Grundrechtecharta

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article [35ter](#)

Proposition d'amendement à la Partie I

Déposée par : Dominique de Villepin

Qualité : - Membre

Article 35 ter : Les partenaires sociaux européens

Les partenaires sociaux au niveau européen contribuent à la définition de la dimension sociale de l'Union, dans le cadre des mécanismes mis en place par le présent traité.

Explication éventuelle :

Création d'article

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article 35

Proposition d'amendement à la Partie I

Déposée par : Dominique de Villepin

Qualité : - Membre

Article 35 : Le médiateur européen

Un médiateur est nommé pour recevoir, enquêter et faire rapport sur des plaintes relatives à des cas de mauvaise administration au sein des institutions de l'Union, à l'exclusion de la Cour de justice et du Tribunal de première instance dans l'exercice de leurs fonctions.

Explication éventuelle :

Cet amendement reprend l'article 195 TCE et l'article 43 de la Charte de droits fondamentaux.

AMENDMENT FORM

Suggestion for amendment of Article : 35

Suggestion for Part I, Title VI

By Ms / ~~Mr~~ : Androula VASSILIOU

Status : - ~~Member~~ - Alternate

Article 35

An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.

The Ombudsman shall submit an annual report on the outcome of his inquiries to the European Parliament and at the same time to all national parliaments.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article :35

By Ms / Mr : Ernâni Lopes and Manuel Lobo Antunes

Status : - Member and Alternate

Article 35: The European Ombudsman

An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration ~~within the Union institutions.~~ **in the activities of the Union's institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.**

Explanation : we believe that the judicial role of the two Courts is not compatible with any investigation from the Ombudsman.

AMENDMENT FORM

Suggestion for amendment of Article 35: The European Ombudsman

By Mr Roche

Status : - Member

Article 35: The European Ombudsman

An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.

Explanation (if any) :

While no amendment is proposed at this time, this Article overlaps significantly with Article 43 of the Charter (if it is to be incorporated) the wording of which is preferable.

AMENDMENT FORM

Suggestion for amendment of Article : 35

By Mr : Joschka Fischer

Status : - Member

Artikel 35: Der Europäische Bürgerbeauftragte

Das Europäische Parlament ernennt einen~~Es wird ein~~ Bürgerbeauftragten~~r-ernannt~~, der Beschwerden über Missstände in den Organen der Union entgegennimmt, untersucht und darüber Bericht erstattet.

Explanation:

Der Artikel sollte den Stand der gegenwärtigen Verträge widerspiegeln: Der Bürgerbeauftragte wird vom Europäischen Parlament ernannt.

AMENDMENT FORM

Suggestion for amendment of Article : 35b

Suggestion for protocol :

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

Status : - Member ~~–Alternate~~

Artikel 35b: Medienpluralismus in der Union

Die Union anerkennt die Notwendigkeit einer großen Medienvielfalt für das demokratische Leben in der Union. Das Europäische Parlament und der Rat können im Gesetzgebungsverfahren Rahmengesetze erlassen, die zur Aufrechterhaltung der Medienvielfalt in der Europäischen Union unabdingbar sind.

Explanation (if any) :

Den Gefahren, denen sich das demokratische Leben in der Union durch Beeinträchtigungen der Medienvielfalt ausgesetzt sieht, kann heutzutage auf rein nationaler Ebene nicht mehr in ausreichendem Maße begegnet werden. Zum Schutz des demokratischen Lebens in der Union bedarf es deshalb einer ergänzenden Regelungskompetenz der Union.

AMENDMENT FORM

Suggestion for amendment of Article : 35

Suggestion for Part III

**By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn**

Status : Members Alternate

An Ombudsman shall be appointed to independently receive, investigate and report on complaints concerning instances of maladministration ~~within the Union institutions.~~ in the activities of the Union institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

Explanation (if any) : It should be made clear that the Ombudsman works independently. Furthermore, it seems logical that the Court of Justice and the Court of First Instance acting in their judicial role are excluded.

Furthermore, the Dutch Government would like to point out that this article and others (see below) are a repetition of what is already laid down in the Charter of Fundamental Rights. If the Charter would become an integral part of the Constitution, such a repetition is obviously undesirable. Therefore, if the Charter would become an integral part of the Constitution this article and the articles 33, 35a, 36(3), 36a(1), 37 will have to be deleted and/or adjusted. See

for further background information the relevant declaration of the Dutch Permanent Representative (CONV 659/03).

AMENDMENT FORM

Suggestion for amendment of Article : 35

Suggestion for protocol :

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

Status : - Member ~~–Alternate~~

Artikel 35: Der Europäische Bürgerbeauftragte

~~Es wird ein Bürgerbeauftragter ernannt~~ *Das Europäische Parlament ernennt einen unabhängigen Europäischen Bürgerbeauftragten*, der Beschwerden über Missstände in den Organen der Union entgegennimmt, untersucht und darüber Bericht erstattet. *Die Ernennung erfolgt grundsätzlich nach jeder Wahl des Europäischen Parlaments für die Dauer der Wahlperiode.*

Die Regelungen und allgemeinen Bedingungen für die Tätigkeit des Europäischen Bürgerbeauftragten werden durch einen Organakt festgelegt, der vom Europäischen Parlament nach Stellungnahme der Kommission und nach mit qualifizierter Mehrheit erteilter Zustimmung des Rates erlassen wird.

Explanation (if any) :

Um unnötige Wiederholungen zu vermeiden, sollten bereits in dieser Bestimmung alle notwendigen Verfassungsregelungen zum Bürgerbeauftragten enthalten sein (vgl. Art. 195 EGV). Anderenfalls droht diese Bestimmung letztlich ohne eigenen Regelungsgehalt zu bleiben.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 35 (Titre VI)

Proposition d'amendement à la Partie III

Déposée par Madame Palacio

Article 35: The European Ombudsman

An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

Explication :

I suggest that we follow the current drafting of Article 195.1 of the EC Treaty in order to exclude the ECJ and the CFI, when they are acting in their judicial role, from the Ombudsman supervision powers.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 35ter, partie I de la Constitution:

Déposée par Mme Anne VAN LANCKER
 M. Olivier DUHAMEL
 M. Caspar EINEM
 M. Ben FAYOT
 Mme Linda McAVAN
 M. Luis MARINHO
 Mme Pervenche BERÈS
 Mme Maria BERGER
 M. Carlos CARNERO
 Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

ARTICLE 35ter – Droit de pétition

Tout citoyen ou toute citoyenne de l'Union ou toute personne physique ou morale résidant ou ayant son siège statutaire dans un Etat membre a le droit de pétition devant le Parlement européen.

Explication éventuelle:

FICHE AMENDEMENT

Proposition d'amendement à l'Article 35, partie I de la Constitution:

Déposée par Mme Elena PACIOTTI
Mme Anne VAN LANCKER
M. Olivier DUHAMEL
M. Caspar EINEM
M. Ben FAYOT
Mme Linda McAVAN
M. Luis MARINHO
Mme Pervenche BERÈS
Mme Maria BERGER
M. Carlos CARNERO
Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

ARTICLE 35 – Le médiateur européen

Un médiateur est nommé **par le Parlement européen** pour recevoir, enquêter et faire rapport sur des plaintes relatives à des cas de mauvaise administration au sein des institutions de l'Union. **Le Médiateur peut adresser des recommandations aux institutions qui sont tenues d'y répondre.**

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article : 35

By Mr. Frans Timmermans

Status : Member of the European Convention

An independent Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.

Explanation:

It is essential that the independence of the European Ombudsman will be safeguarded.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Artigo 35.º, novo

Déposée par Monsieur Luís Queiró

Qualité : Suppléant

- 1. O Parlamento Europeu nomeia o Provedor de Justiça Europeu, nos termos previstos no artigo [] da Parte II do presente Tratado.**
 - 2. Ao Provedor de Justiça Europeu compete apreciar, por sua iniciativa ou a pedido de qualquer cidadão da União ou de outra pessoa singular ou colectiva com residência ou sede estatutária num Estado membro da União, os casos de má administração na actuação das instituições e demais órgãos, agências ou organismos da União ou por esta criados, com excepção das instâncias jurisdicionais, no exercício das respectivas funções jurisdicionais.**
 - 3. No desempenho das suas funções, o Provedor de Justiça Europeu actua com total independência, aplicando-se-lhe, com as devidas adaptações, o Estatuto dos juízes do Tribunal de Justiça.**
 - 4. A instituição, órgão ou organismo da União objecto de inquérito deve ser previamente ouvido e, em caso de apresentação de relatório fundamentado por parte do Provedor de Justiça Europeu, deve apresentar, no prazo razoável fixado nos termos previstos no artigo [] da Parte II, a sua posição face às conclusões do relatório.**
 - 5. O Provedor de Justiça transmitirá às instituições referidas no número seguinte e aos queixosos as conclusões dos relatórios por si apresentados nos casos previstos no número anterior, bem como a posição da entidade objecto do inquérito.**
 - 6. O Provedor de Justiça Europeu apresenta um relatório anual das suas actividades ao Parlamento Europeu, ao Conselho, à Comissão e aos parlamentos nacionais.**
-

Explication éventuelle :

O Provedor de Justiça consta hoje, no Tratado CE, de duas normas fundamentais: os artigos 21.º e o artigo 195.º.

Na verdade, o novo Tratado reduz o leque dos beneficiários do direito de apresentar queixa ao Provedor. O artigo 7.º, n.º 2, do Tratado prevê que seja um direito dos cidadãos. Contudo, na redacção actual do artigo 195.º CE, também podem apresentar queixas, além dos cidadãos, «qualquer pessoa singular ou colectiva com residência ou sede estatutária num Estado membro». A ser verdade, julga-se que o direito de apresentar queixas ao Provedor não pode ser reduzido.

Em segundo lugar, o artigo agora projectado apenas refere o direito de apresentar queixas nos casos de «má administração nas Instituições da União». Na verdade, porém, isto configura uma nova redução do âmbito de protecção contra a má administração na esfera comunitária/união. O actual artigo 195.º prevê a intervenção do Provedor nos casos de «má administração na actuação das instituições ou organismos comunitários», com excepção dos tribunais (TJ e TPI) no exercício de funções jurisdicionais. Também aqui se julgam imprescindíveis tais explanações. Por um lado, para não violar o princípio da irresponsabilidade dos juízes. Por outro, porque, com a acentuação (que se verifica) da tendência para a criação de organismos de regulação mais ou menos independentes (pense-se na nova Autoridade de Segurança Alimentar mas também noutras agências mais antigas), a intervenção do Provedor não deve limitar-se a fiscalizar politicamente a actuação das «Instituições». A expressão usada na proposta exprime a síntese entre as formulações constantes do artigo 195.º CE («instituições ou organismos») e no artigo 36.º do projecto («instituições, órgãos e agências»): julga-se que, deste modo, o leque fica mais extenso e abrangente.

O artigo 195.º CE impõe ainda obrigações aos destinatários dos relatórios do Provedor e reconhece direitos aos queixosos. Em nenhum ponto, até aqui, os encontramos no presente projecto.

Quanto à nomeação do Provedor, quem nomeia e onde estão outros aspectos conexos. Deixa de ser afirmado o princípio da independência do provedor? Quem estabelece o seu estatuto e as regras que regerão a sua acção?

Se alguns – poucos – dos aspectos sublinhados configuram «questões de pormenor» (v. observações do Praesidium à proposta (Anexo II), boa parte delas parecem ser centrais a este órgão. Daí que se proponha que, sem prejuízo de na Parte II se estabelecerem tais disposições de pormenor, se dê uma nova redacção ao artigo 35.º, o qual manteria as linhas fundamentais do actual artigo 195.º.

AMENDMENT FORM

Suggestion for amendment of Article : 35

~~Suggestion for Part III~~

By ~~Ms~~/ Mr : Hain

Status : - Member - ~~Alternate~~

An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.

Explanation (if any) :

Comment: is this appropriate for CFSP?

AMENDMENT FORM

Suggestion for amendment of Article : Art 35

Suggestion for Part III

By Ms / Mr : Mr Bonde, Mr Dalgaard (alternate) Mr Heathcoat-Amory, Mr Skaarup, Mr Zahradil,

Status : ☒ - Member ☒ - Alternate

Article 35: The European Ombudsman

An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions. **THE OMBUDSMAN HAS THE RIGHT TO MONITOR ANY DOCUMENT THAT THE UNION POSSESSES, AND ANY DOCUMENTS RELATING TO EU FUNDED PROJECTS.**

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 35

Déposée par Madame ou Monsieur :

Maria Eduarda Azevedo (membre)
António Nazaré Pereira (suppléant)

Article 35

Un Médiateur Européen est nommé pour recevoir des plaintes relatives à des cas de mauvaise administration au sein des institutions de l'Union.

Explication:

La deuxième partie de cet article doit être incluse dans les dispositions détaillées de la Partie II du Traité constitutionnel.

AMENDMENT FORM

**Suggestion for amendment of: Subject : Part One of the Constitution, Title VI:
The democratic life of the Union , Article 35: The European Ombudsman**

**By: AVGERINOS Paraskevas, GIANNAKOU Marietta, members and
STYLIANIDIS Evripidis, alternate member**

Article 35: The European Ombudsman

1. An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.
2. **The European Ombudsman and the Ombudsmen of the member states co-operate in good faith and on equal terms, within the framework of their competencies and according to the conditions regarding their mission.**

Explanation:

The addition of this paragraph aims to increase the effectiveness of the Ombudsmen (European and National) in their task to protect the citizens of the Union, especially with regard to complaints against national authorities.

AMENDMENT FORM

Title VI: The democratic life of the Union

Suggestion for amendment of Article : 35

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Marco Follini, Mr Paul Helminger, Mr Dimitrij Rupel, Mr Matti Vanhanen, Mr Peeter Kreitzberg, Mr Algirdas Gricius, Mr Puiu Hasotti, Mr Jelko Kacin, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; and **Alternate Members:** Ms Lone Dybkjaer, Mr Valdo Spini, Mr Willem Van Eekelen, Lord MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Ibrahim Ozal and Mr Gintautas Sivickas.

Status : **Members and alternate members.**

Article 35: The European Ombudsman

An Ombudsman shall be appointed *by the European Parliament* to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.

Explanation:

It is an important feature of the Ombudsman that he or she is appointed by the people's representatives.

AMENDMENT FORM

Suggestion for amendment of Article 35: The European Ombudsman

By Mr. Ivan Korčok (Slovakia)

Status : Member

Delete the whole article.

Explanation (if any) :

There is duplicity with Art. 43 of Charter of Fundamental Rights

AMENDMENT FORM

Vorschlag für die Änderung von: Artikel 35, Teil I, Titel VI des Verfassungsentwurfs (CONV 650/03)

von Herrn: Prof. Dr. Jürgen Meyer, Delegierter des Deutschen Bundestages

Status: - Mitglied -

Ziel: Streichung von Artikel 35

Artikel 35: Der Europäische Bürgerbeauftragte

~~Es wird ein Bürgerbeauftragter ernannt, der Beschwerden über Missstände in den Organen der Union entgegen nimmt, untersucht und darüber Bericht erstattet.~~

Begründung:

Die Charta der Grundrechte der Europäischen Union (EuGRC) soll in Teil 1 der Europäischen Verfassung integriert werden. Um Doppelungen zu vermeiden, ist Artikel 35 zu streichen. Das Recht der Unionsbürger, den Europäischen Bürgerbeauftragten im Falle von Missständen bei der Tätigkeit der Organe und Einrichtungen der Gemeinschaft zu befassen, ist bereits in Artikel 43 EuGRC geregelt.

AMENDMENT FORM

Suggestion for amendment of: Article 35, Part I, Title VI of the draft Constitution (CONV 650/03)

By: Professor Jürgen Meyer, delegate of the German Bundestag

Status : - Member -

Aim:

To remove Article 35.

Article 35: The European Ombudsman

~~An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.~~

Explanation :

The Charter of Fundamental Rights of the European Union is to be incorporated in Part 1 of the European Constitution. In order to avoid duplications, Article 35 should be removed. The right of citizens of the Union to refer to the European Ombudsman cases of maladministration in the activities of the Community institutions or bodies is already regulated by Article 43 of the Charter of Fundamental Rights of the European Union.

FICHE D'AMENDEMENT

Proposition d'amendement à l'article: 35, Partie I, Titre VI du projet de Traité constitutionnel (CONV 650/03)

Déposée par: Monsieur le Professeur Jürgen Meyer, délégué du Bundestag allemand

Qualité: - Membre -

Objectif: Suppression de l'article 35

Article 35: Le médiateur européen

~~Un médiateur est nommé pour recevoir, enquêter et faire rapport sur des plaintes relatives à des cas de mauvaise administration au sein des institutions de l'Union.~~

Explication:

La Charte des droits fondamentaux de l'Union européenne (CDFUE) doit être intégrée dans la première partie du Traité constitutionnel européen. Pour éviter les répétitions, il faut supprimer l'article 35. Le droit des citoyens de l'Union de saisir le médiateur européen en cas de mauvaise administration dans l'action des organes et institutions communautaires est déjà régi par l'article 43 de la CDFUE.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 35

Déposée par MM Haenel, membre titulaire, et Badinter, membre suppléant

Article 35 : Le médiateur européen

Un Le médiateur ~~est nommé pour~~ reçoit, enquête et fait rapport sur des plaintes relatives à des cas de mauvaise administration au sein des institutions de l'Union.

Explication éventuelle :

Cet article pose le principe de l'existence du Médiateur, sa nomination doit être évoquée dans la partie II.

AMENDMENT FORM

Suggestion for amendment of Article : 35

By Mr Hannes FARNLEITNER
Mr Reinhard Eugen BÖSCH

Mr Gerhard TUSEK
Mr Eduard MAINONI

Status : - Members

- Alternate Members

Article 35: The European Ombudsman

An Ombudsman shall be appointed , **in accordance with the provisions in Art. XYZ of Part II of this Constitution**, to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.

Explanation (if any) :

If it is not specified in this Article by which institution and which procedure the Ombudsman is appointed, a reference to Part II should be inserted.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 35

Déposée par Madame : Cristiana MUSCARDINI

Qualité : Membre

Art. 35

Il testo dell'articolo viene sostituito integralmente da:

- 1. Il Mediatore europeo esamina gli esposti dei cittadini contro casi di cattiva amministrazione da parte delle istituzioni e degli organi dell'Unione europea ed è affiancato nella sua attività da un Vice Mediatore europeo per ogni Stato membro.**
- 2. Il Mediatore europeo è eletto dal Parlamento europeo, i Vice Mediatori sono indicati dai Parlamenti nazionali di ogni Stato membro e votati dal Parlamento europeo.**

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 35 doc

Suggestion for Part III

By Ms / Mr : Voggenhuber, Wagener, McCormick, Lichtenberger, Nagy

Status : - Member - Alternate

Article 35: The European Ombudsman

An Ombudsman shall be appointed by **the European Parliament** to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions **or bodies.**

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 35

P

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 35

El Parlamento Europeo nombrará...

AMENDMENT FORM

Title I

Suggestion for amendment of Article: I-48

By: Mr. Vytenis Povilas Andriukaitis

Status: Member.

Article I-48: The European ~~Ombudsman~~ **Ombudsperson**

The European ~~Ombudsman~~ **Ombudsperson** appointed by the European Parliament shall receive, investigate and report on complaints about maladministration within the Union institutions, bodies and agencies. The European ~~Ombudsman~~ **Ombudsperson** shall be completely independent in the performance of his **or her** duties.