

AMENDMENT FORM

Suggestion for amendment of Article 40

By Timothy Kirkhope MEP

Status: Member

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><u>Article 40: The Union's budgetary procedure</u></p> <p>The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (<i>ex-272 TEC, Part II of the Constitution</i>), jointly adopt the Union's annual budget.</p> <p>The Union's budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (<i>Part II of the Constitution</i>).</p>	<p><u>Article 40: The Union's budgetary procedure</u></p> <p>The European Parliament and the Council shall, on a proposal from the <u>European Parliament</u> and in accordance with the arrangements laid down in Article W (<i>ex-272 TEC, Part II of the <u>simplifying Treaty</u></i>), jointly adopt the <u>Community's</u> annual budget.</p> <p>The <u>Community's</u> budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (<i>Part II of the <u>simplifying Treaty</u></i>).</p>

AMENDMENT FORM

Suggestion for amendment of Article I-55: The Union's budget

By Mr Péter Balázs

Status : **X Member** - Alternate

Article I-55: The Union's budget

„The European Parliament and the Council shall acting unanimously, on a proposal from the Commission and in accordance with the arrangements laid down in Article [ex 272], adopt the European law determining the Union's annual budget.”

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 40: The Union's budgetary procedure

By Mr Dick Roche

Status : Member

Article 40: The Union's budgetary procedure

The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), **particularly the arrangements relating to expenditure necessarily resulting from this Treaty or from acts adopted in accordance therewith**, jointly adopt the Union's annual budget.

The Union's budget shall be established ~~within in compliance with~~ the multiannual financial perspective referred to in Article Y (*Part II of the Constitution*).

Explanation (if any) :

While I await with interest the outcome of the Reflection Group on Budgetary Procedures, it is important that the principle of compulsory expenditure under Article 272(4) TEC continue to be respected in the new Treaty. This matter can be returned to when the Group has reported and when Article 'W' of Part Two is being discussed.

AMENDMENT FORM

Suggestion for amendment of Article 40:

By: BROK; SANTER; STYLIANIDIS; SZAJER; TUSEK; VAN DER LINDEN; ALMEIDA GARRETT; GIANNAKOU; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; FIGEL; FOGLER; FRENDON; GIANNAKOU; KELAM; KELEMEN; KORHONEN; KRASTS; KROUPA; KUTZKOVA; MAIJ-WEGGEN; MLADENOV; NAZARE-PEREIRA; PIKS; RACK; VAN DIJK; WITTBRODT; ZILE

on behalf of the EPP Convention Group

Status: Members and Alternates

Text of the Praesidium

Proposed Amendments

Article 40: The Union's budgetary procedure

The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget.

The Union's budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (*Part II of the Constitution*)

Article 40: The Union's budgetary procedure

Add new para 1:

(1) The European Parliament and the Council shall be the two equal branches of the Union's budgetary authority.

Add new para 2:

(2) The preliminary draft budget shall be proposed to the European Parliament and the Council by the Commission on the basis of estimates drawn up by each institution of the Union.

*(3) The European Parliament, acting by the majority of its members and the Council acting by qualified majority, shall in a budgetary codecision procedure, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget.*

*(4) The Union's budget shall be established in compliance with the multiannual financial perspective, which shall correspond to the length of the mandate of the European Parliament and the European Commission, referred to in Article Y (*Part II of the Constitution*)*

The multiannual financial perspective shall be adopted in a budgetary codecision procedure by the Council acting by a reinforced qualified majority and the European Parliament acting by the majority of its members.

Explanation:

New Para 1:

As a principle, budgetary competence should be equally shared between the European Parliament and the Council.

New Para 2 and Para 1 (now Para 3):

Text is drawn from Article 272 ECT but has been considerably reworded to reflect the new principle expressed now in para 1.

The principles of the budgetary codecision procedure should be already established in Part 1 of the Constitution.

Para 1 (now Para 4)

For the sake of improved efficiency the length of the multiannual financial perspective should correspond to the mandate of Commission and European Parliament.

The principles of the budgetary codecision procedure for the multiannual financial perspective should be already established in Part 1 of the Constitution

AMENDMENT FORM

Suggestion for a new Article 40 bis:

By: BROK; SANTER; STYLIANIDIS; SZAJER; TEUFEL; TUSEK; VAN DER LINDEN; ALMEIDA GARRETT; GIANNAKOU; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; FIGEL; FOGLER; FRENDON; KAUPPI; KELAM; KELEMEN; KORHONEN; KRASTS; KROUPA; KUTZKOVA; MAIJ-WEGGEN; MLADENOV; NAZARE-PEREIRA; PIKS; RACK; VAN DIJK; WITTBRODT; WÜRMELING; ZIELENIEC; ZILE

on behalf of the EPP Convention Group

Status: Members and Alternates

Text of the Praesidium

Proposed Amendments

Art 40 bis (new)

(1) The budgetary procedure shall aim for an agreement between the two branches of the Union's budgetary authority on both revenue and expenditure.

(2) In case of disagreement the Council would have the final say on revenue and the European Parliament would have the final say on all expenditure.

(3) A mechanism shall be defined setting a maximum rate of increase of expenditure and a minimum global volume of revenue in order to meet the obligations to finance the expenditure related to legislative commitments of the Union.

Explanation:

The principles of a mechanism to resolve disputes between the two branches of budgetary authority, whereby the Council will have the last word on revenue and the EP on all expenditure should be introduced in Part 1.

Text based on EP Resolution (Report Wynn from 11.03.03) regarding the reform of the budgetary procedure. (A5-46/2003)

AMENDMENT FORM

Suggestion for amendment of Article : 40

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

Status : - Member ~~Alternate~~

Artikel 40: Das Haushaltsverfahren der Union

Das Europäische Parlament und der Rat nehmen gemeinsam auf Vorschlag der Kommission ~~gemäß den Modalitäten des Artikels W~~ (ex-Artikel 272 EGV, Teil II der Verfassung) den jährlichen Haushaltsplan der Union an.

Der Haushaltsplan der Union wird unter Einhaltung der mehrjährigen Finanziellen Vorausschau ~~nach Artikel Y~~ (Teil II der Verfassung) aufgestellt.

Explanation (if any) :

Die redaktionellen Querverweise auf die Durchführungsbestimmungen im zweiten Teil der Verfassung sind nicht notwendig.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	40
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

Das Europäische Parlament und der Rat nehmen gemeinsam auf Vorschlag der Kommission 1 gemäß den Modalitäten des Artikels W (*ex-Artikel 272 EGV, Teil II der Verfassung*) den jährlichen Haushaltsplan der Union an.

Der Haushaltsplan der Union wird unter Einhaltung der mehrjährigen Finanziellen Vorausschau nach Artikel Y (*Teil II der Verfassung*) aufgestellt.

Amendement proposé

Begründung:

Hinweis:

Der Vorschlag kann nicht abschließend beurteilt werden, da kein Formulierungsvorschlag zu den Artikeln W und Y vorliegt.

Auf jeden Fall muss die mehrjährige finanzielle Vorausschau fester Rahmen für die jährliche Haushaltsaufstellung bleiben.

AMENDMENT FORM

Suggestion for amendment of Article: 40

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget.

The Union's budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (*Part II of the Constitution*).

Proposed Amendment

Explanation:

Notice:

The proposal cannot be judged sufficiently as there is no proposal for Articles W and Y yet.

In any event the multiannual financial perspective must be retained as a reliable framework for the annual budget bill.

AMENDMENT FORM

Suggestion for a new Article 40 bis:

By: BROK; SANTER; STYLIANIDIS; SZAJER; TEUFEL; TUSEK; VAN DER LINDEN; ALMEIDA GARRETT; GIANNAKOU; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; FIGEL; FOGLER; FRENDON; KAUPPI; KELAM; KELEMEN; KORHONEN; KRASTS; KROUPA; KUTZKOVA; MAIJ-WEGGEN; MLADENOV; NAZARE-PEREIRA; PIKS; RACK; VAN DIJK; WITTBRODT; WÜRMELING; ZIELENIEC; ZILE

on behalf of the EPP Convention Group

Status: Members and Alternates

Text of the Praesidium

Proposed Amendments

Art 40 bis (new)

(1) The budgetary procedure shall aim for an agreement between the two branches of the Union's budgetary authority on both revenue and expenditure.

(2) In case of disagreement the Council would have the final say on revenue and the European Parliament would have the final say on all expenditure.

(3) A mechanism shall be defined setting a maximum rate of increase of expenditure and a minimum global volume of revenue in order to meet the obligations to finance the expenditure related to legislative commitments of the Union.

Explanation:

The principles of a mechanism to resolve disputes between the two branches of budgetary authority, whereby the Council will have the last word on revenue and the EP on all expenditure should be introduced in Part 1.

Text based on EP Resolution (Report Wynn from 11.03.03) regarding the reform of the budgetary procedure. (A5-46/2003)

AMENDMENT FORM

Suggestion for amendment of Article :40

By Ms / Mr :Ernâni Lopes and Manuel Lobo Antunes

Status : - Member and Alternate

Article 40: The Union's budgetary procedure

The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), ~~jointly~~ adopt the Union's annual budget.

The Union's budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (*Part II of the Constitution*). **and respects legal obligations of the Union towards third parties.**

A conciliation procedure between the European Parliament, the Council and the Commission should be set up to improve the functioning of the annual budgetary procedure and reinforce the cooperation between the institutions on budgetary matters.

The modalities of this conciliation procedure shall be laid down in article [] / Part II.

Explanation :

***First paragraph* : The inclusion of the word « jointly » seems to bring no added value .**

***Third paragraph* : This is the conciliation procedure presently set out in the Interinstitutional Agreement.**

AMENDMENT FORM

Suggestion for amendment of Article: 40

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Peeter Kreitzberg, Mr Puiu Hasotti, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; and **Alternate Members:** Lord Robert MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs and Mr Ibrahim Ozal.

Status : Members and alternate members.

Article 40: The Union's budgetary procedure

- 1. The budgetary authority comprises the European Parliament and the Council which shall jointly adopt the annual budget on a proposal from the Commission. The budget shall comply with the multi-annual financial framework. The budgetary procedures are laid down in Article X of Part Two.*
 - 2. In the case of a failure to agree between the Parliament and the Council, the Parliament may adopt the budget within a maximum rate of increase declared by the Commission.*
 - 3. The Parliament, on a recommendation of the Council, gives discharge to the Commission for the implementation of the budget.*
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Explanation:

The Constitution should define as simply and clearly as possible what comprises the budgetary authority. We also find it desirable to state explicitly that the budget must comply with the multiannual financial framework.

In paragraph 2 we add the existing provision (Article 272.9 TEC) about what can be done if the Council and Parliament fail to agree on the budget. If no budget is adopted, the provisions of Article 273 TEC (provisional twelfths) will continue to apply.

In paragraph 3 we make a reference to the discharge procedure.

AMENDMENT FORM

Suggestion for amendment of Article : 40

Suggestion for protocol :

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

Status : **Members**

Article 40: The Union's budgetary procedure

The European Parliament and the Council shall, on a proposal from the Commission and [in compliance with the multiannual financial perspectives and](#) in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget.

[If, at the beginning of a financial year, the budget has not been adopted, a sum equivalent to not more than one-twelfth of the budget appropriations for the preceding year may be spent each month in respect of any chapter or other subdivision of the budget, according to modalities laid down in the Institutional Law.](#)

Explanation: The expression, "on a proposal from the Commission", does not prejudice the voting rules in the Council which will be the subject of the "arrangements laid down in Article W". This is not a matter of extending the consequences of the Commission's initiative to the budgetary procedure.

AMENDMENT FORM

Suggestion for amendment of Article 40:

By Mr Joschka Fischer

Status : - Member

Artikel 40: Das Haushaltsverfahren der Union

Das Europäische Parlament und der Rat ~~stellenehmen~~ gemeinsam auf der Grundlage eines Vorentwurfs Vorschlag der Kommission ¹ gemäß den Modalitäten des Artikels W (*ex-Artikel 272 EGV, Teil II der Verfassung*) den jährlichen Haushaltsplan der Union ~~aufan~~.

Der Haushaltsplan der Union wird unter Einhaltung der mehrjährigen Finanziellen Vorausschau nach Artikel Y (*Teil II der Verfassung*) aufgestellt.

Explanation:

Grundsätzlich zu den Artikel 38-40: Die Artikelentwürfe beziehen sich auf Teil I der Verfassung und beinhalten die grundlegenden Bestimmungen zur Finanzverfassung der Union Da diese Bestimmungen eng mit der konkreten Ausgestaltung insbesondere der Entscheidungsverfahren im Finanzbereich verbunden sind, die in einem Teil 2 des Verfassungsentwurfs festgelegt werden sollen, kann eine abschließende Beurteilung der Entwürfe erst im Gesamtkontext erfolgen.

Zu Artikel 40: Anlehnung an den bisherigen Wortlaut des EGV. Ein Initiativrecht der Kommission ist in diesem Bereich nicht vorgesehen.

¹ Die Formulierung "auf Vorschlag der Kommission" greift nicht den Abstimmungsregeln im Rat vor, die Gegenstand der "Modalitäten des Artikels W" sein werden. Die sich aus dem Initiativrecht der Kommission ergebenden Wirkungen sollen nicht auf das Haushaltsverfahren ausgedehnt werden.

AMENDMENT FORM

Suggestion for amendment of Article : 40 doc

Suggestion for protocol :

By Ms / Mr : Voggenhuber

Status : - Member - Alternate

Article 40: The Union's budgetary procedure

1. The European Parliament and the Council may, on a proposal from the Commission, jointly adopt a multiannual financial perspective referred to in Article Y

2. The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article W, jointly adopt the Union's annual budget.

3. In case that no agreement can be reached between the European Parliament and Council on the annual budget, the European Parliament will adopt or reject the Unions annual budget.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 40: (Title VII Union's Finances, part II of the Treaty)

By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen, Esko Helle

Status : **Tiilikainen, Kiljunen, Vanhanen - Members**
 Peltomäki, Korhonen, Helle - Alternates

Article 40: The Union's budgetary procedure

Article 40 should be replaced by the following text:

The European Parliament and the Council shall, on a proposal from the Commission¹ and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget.

[Second paragraph removed to article 39 para 1 bis].

The Council, on a proposal from the Commission and after consulting the European Parliament shall adopt a law on the multi-annual financial framework in accordance with the arrangements laid down in Article Z (Part II of the Constitution).

Explanation:

Finland is in favour of the simplification of the budgetary procedure. However, the present inter-institutional balance must be maintained even in a simplified system. Consequently, the Member States power over the system of own resources should be maintained and the Council should be guaranteed a role corresponding to the one it presently holds as a branch of the Budgetary Authority.

The differentiation between compulsory and non-compulsory expenditure could be abolished on the condition that this is carried out without changing the present inter-institutional balance. The abolition of the differentiation strengthens the powers of the European Parliament. The Council, supervised by the Member States parliament is the other democratic pillar in the institutional design of the Union. Therefore, the powers of the Council should be strengthened if the abolition of the division to compulsory and non-compulsory expenditure is considered. The balance of power between the Parliament and the Council could be safeguarded by giving the Council a final say on the Financial Perspectives (which we propose to rename "financial framework"), which should be incorporated in the Treaty.

¹ This expression, "on a proposal from the Commission", does not prejudge the voting rules in the Council which will be the subject of the "arrangements laid down in Article W". This is not a matter of extending the consequences of the Commission's initiative to the budgetary procedure.

Procedure for adoption of the Financial Perspectives could be the following:

- Trilogue with the European Parliament and the Council
- Proposal by the Commission
- Single readings by the European Parliament (EP position) and the Council (Common Position)
- Trilogue if the Council intends not to accept the modification proposed by the EP
- Adoption of the Financial Perspective by the Council. Items in which there is a common understanding between the Parliament and the Council shall be adopted as agreed. In the absence of the agreement between Parliament and Council, the Commission shall give its reasoned opinion on the subject. If the Commission supports the modifications proposed by the EP to financial perspectives, the Council can reject that modification only by an unanimous decision. Otherwise the Council can approve the financial perspectives, which shall be in the limits of the own resources decision, by qualified majority.

The Financial Perspective could be substantially modified in the same procedure in which it was adopted. The Commission should make the annual technical adjustment of the financial perspective.

The budget procedure could be simplified further by adopting the budget in a single reading. The principal stages of the procedure leading to the establishment of the Budget would be the following:

- Technical adjustment of the Financial Perspective by the Commission
- Trilogue between European Parliament, Council and Commission
- Budget proposal of the Commission
- Readings by the Council (Council Common Position) and the European Parliament (EP position) with a trilogue between Parliament, Council and the Commission if the Parliament intends to make modifications to the Council Common Position
- Final Adoption of the Budget by the European Parliament on the basis of the results of the trilogue. The items agreed on trilogue between Parliament and Council should be adopted as agreed. The Commission should give a reasoned opinion concerning the modifications the EP intends to make to the Council Common Position and which have not been resolved in negotiations between the Parliament and the Council. If the Commission supports the Council Common Position, the EP can only adopt the modification only by the votes cast representing 2/3 majority of its members. Should there not be sufficient majority, the Council Common Position would prevail. If the Commission supports the amendments the Parliament intends to make, the Parliament can adopt the modification by majority of the votes cast.
- At the end of the procedure, the President of the European Parliament should declare the procedure finished, sign the budget and publish it in the Official Journal.

The Union needs a budget and, one cannot imagine that at the end of eventual conciliation there would be the conclusion that the Union has not passed the budget as the default option of the procedure. Safeguards preventing such an outcome should be included in the procedure.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 40:

Déposée par M. Olivier DUHAMEL
M. Caspar EINEM
Mme Linda McAVAN
M. Luis MARINHO
Mme Anne VAN LANCKER

Qualité: - Membres

Mme Pervenche BERÈS
Mme Maria BERGER
M. Carlos CARNERO
Mme Elena PACIOTTI
Mme Helle THORNING-SCHMIDT

Qualité: - Suppléants

ARTICLE 40 – La procédure budgétaire de l'Union

1. **Le cadre financier pluriannuel constitue le cadre de référence de la discipline budgétaire de l'Union.**

Il fixe, pour une durée de cinq ans, pour chaque catégorie de dépense, les limites de l'évolution annuelle des dépenses, ainsi que leur plafond absolu.

Le cadre financier est arrêté conformément à la procédure visée à l'article ..., sur proposition de la Commission, par une décision conjointe de Conseil, statuant à la majorité qualifiée, et du Parlement européen à la majorité des membres qui les composent et des trois cinquièmes des suffrages exprimés.

2. Le Parlement européen et le Conseil adoptent conjointement sur proposition 1 de la Commission, conformément **à la procédure législative** et aux modalités prévues à l'article W (*ex-272 TCE, Partie II de la Constitution*), le budget annuel de l'Union.

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article 40

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

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

The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget.

The Union's budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (*Part II of the Constitution*). **The multiannual financial perspective shall be set by the Council, acting unanimously and after having consulted the European Parliament. The level of the multiannual financial perspective may not, at an annual basis, exceed the level of the Union's revenues.**¹

¹ The Council should decide on the maximum total level of spending since it is the Member States that contribute to the EU budget. Thus, the multiannual financial perspective must be set by the Council. The Council should also promote long-term financial stability, which is needed in order to create a well functioning and legitimate European Union.

AMENDMENT FORM

Suggestion for amendment of Article 40:

By: Edmund Wittbrodt, Marta Fogler

Status: Member, Alternate Member

Text of the Praesidium

Proposed Amendments

Article 40: The Union's budgetary procedure

The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget.

The Union's budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (*Part II of the Constitution*)

Article 40: The Union's budgetary procedure

Add new para 1:

(1) The European Parliament and the Council shall be the two equal branches of the Union's budgetary authority.

Add new para 2:

(2) The preliminary draft budget shall be proposed to the European Parliament and the Council by the Commission on the basis of estimates drawn up by each institution of the Union.

*(3) The European Parliament, acting by the majority of its members and the Council acting by qualified majority, shall in a budgetary codecision procedure, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget.*

*(4) The Union's budget shall be established in compliance with the multiannual financial perspective, which shall correspond to the length of the mandate of the European Parliament and the European Commission, referred to in Article Y (*Part II of the Constitution*)*

The multiannual financial perspective shall be adopted in a budgetary codecision procedure by the Council acting by a restricted qualified majority and the European Parliament acting by the majority of its members.

Explanation:

These amendments follow the EPP proposal.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 40

Déposée par Madame ou Monsieur : **Borrell (miembro), Carnero y López Garrido (suplentes)**

Añadir:

El Parlamento Europeo y el Consejo aprobarán conjuntamente el presupuesto anual de la Unión, a propuesta de la Comisión y con arreglo al procedimiento **legislativo, de acuerdo con lo** previsto en el artículo W (*antiguo 272 del TCE, Parte II de la Constitución*).

El presupuesto de la Unión se establecerá respetando **el marco financiero plurianual adoptado, a propuesta de la Comisión, por el Parlamento Europeo y el Consejo a través del procedimiento legislativo, por mayoría de sus miembros y mayoría cualificada, respectivamente, de acuerdo con lo referido en** el artículo Y (*parte II de la Constitución*)

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 40: The Union's budgetary procedure

By Ms / Mr : Figel', Belohorská, Zala

Status : Mr. Figel' and Mrs. Belohorská are Members, Mr. Zala is Alternate

The European Parliament and the Council shall, on a proposal from the Commission¹ and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget.

The Union's budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (*Part II of the Constitution*).

We propose, (taking into consideration the fact stated in Art.272 of TEC, that for approval of the budget it is needed a consent of two budgetary authorities, namely the European Parliament and the Council), that the constitutional treaty in Art. 40 gives a solution in case when there is no agreement between the European Parliament and the Council.

Explanation (if any) :

¹ This expression, "on a proposal from the Commission", does not prejudice the voting rules in the Council which will be the subject of the "arrangements laid down in Article W". This is not a matter of extending the consequences of the Commission's initiative to the budgetary procedure.

AMENDMENT FORM

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Suggestion for amendment of Article: 40

By The Earl of Stockton

Status: Alternate

Article 40: The Union's budgetary procedure

On a proposal from the European Parliament, and in accordance with the arrangements laid down in Article W (ex-272 TEC, Part II of the Constitution), the European Parliament and the Council shall jointly adopt the Union's annual budget.

The Union's budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (*Part II of the Constitution*).

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Article 40 : The Union's budgetary procedure

Suggestion for protocol :

By ~~Ms~~/ Mr : Hain

Status : - Member -~~Alternate~~

The European Parliament and the Council shall, ~~on a proposal from the Commission and in~~ accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget having regard to a preliminary draft budget drawn up by the Commission.

The Union's budget shall be established in compliance with the multiannual financial perspective adopted by the European Council in accordance with arrangements laid down ~~referred to in~~ Article Y (*Part II of the Constitution*).

Explanation (if any) :

The amendment to the first paragraph makes clear that the Commission's right of initiative is not extended into the budgetary procedure.

The predominant role of the European Council in establishing the financial perspective is a key requirement for the UK, and should be reflected as a Part I Constitutional provision.

The UK is willing to consider simplification of the budgetary procedure, including the classification of compulsory/non-compulsory expenditure. However appropriate treatment of expenditure where third parties have a legal claim on the budget is an important issue for the UK.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 40

Proposition d'amendement au protocole:

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

Qualité : - Membre - Suppléant

Article 40: La procédure budgétaire de l'Union

Le Parlement européen et le Conseil adoptent conjointement sur proposition de la Commission, conformément aux modalités prévues à l'article W (*ex-272 TCE, Partie II de la Constitution*), le budget annuel de l'Union.

Le budget de l'Union est établi dans le respect des perspectives financières pluriannuelles visées à l'article **39bis. Y (Partie II de la Constitution)**

Les crédits nécessaires à la mise en œuvre de la politique étrangère et de sécurité commune font l'objet d'une procédure particulière définie à l'article Y (Partie II de la Constitution).

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 40

Proposition d'amendement au protocole:

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

Qualité : - Membre - Suppléant

1. Le cadre financier pluriannuel constitue le cadre de référence de la discipline budgétaire de l'Union.

Il fixe, pour une durée de cinq ans, pour chaque catégorie de dépense, les limites de l'évolution annuelle des dépenses, ainsi que leur plafond absolu.

Le cadre financier est arrêté conformément à la procédure visée à l'article ..., sur proposition de la Commission, par une décision conjointe de Conseil, statuant à la majorité qualifiée, et du Parlement européen à la majorité des membres qui les composent et des trois cinquièmes des suffrages exprimés.

2. Le Parlement européen et le Conseil adoptent conjointement sur proposition de la Commission, conformément aux modalités prévues à l'article W (*ex-272 TCE, Partie II de la Constitution*), le budget annuel de l'Union.

~~Le budget de l'Union est établi dans le respect des perspectives financières pluriannuelles visées à l'article Y. (*Partie II de la Constitution*).~~

Explication éventuelle :

Les principes de base de l'adoption des perspectives financières pluri - annuelles devraient être définis dans la partie I de la Constitution.

AMENDMENT FORM

Suggestion for amendment of Article I-55: The Union's budget

By: Péter Gottfried

Status : Member **X** Alternate

Art. I-55: The Union's budget

“The European Parliament and the Council acting unanimously shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article (III-306) of the Constitution, adopt the European law determining the Union's annual budget.”

Explanation (if any) :